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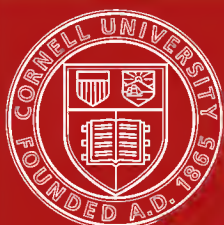
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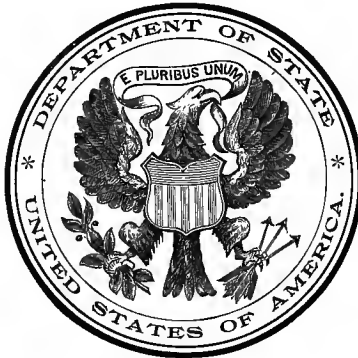
# REGULATIONS

PRESCRIBED FOR THE USE OF

# THE CONSULAR SERVICE

OF

THE UNITED STATES. *State*



WASHINGTON :  
GOVERNMENT PRINTING OFFICE.

1896.

EXECUTIVE MANSION,  
*Washington, December 31, 1896.*

In accordance with the provisions of law the following revised regulations and instructions, including a tariff of fees to be charged for official services, are hereby prescribed for the information and government of the Consular Officers of the United States.

GROVER CLEVELAND.

---

DEPARTMENT OF STATE,  
*Washington, December 31, 1896.*

I transmit herewith, for your information and government, the accompanying revised regulations and instructions, which have been prescribed by the President.

They are intended to supersede those which have been heretofore issued by this Department, and are to be carefully observed in all respects.

I am, sir, your obedient servant,

RICHARD OLNEY.

To the several CONSULAR OFFICERS  
*of the United States.*

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## EXPLANATION OF ABBREVIATIONS.

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Ben .....	Benedict's United States District Court Reports.
Blatch .....	Blatchford's United States Circuit Court Reports.
Blatch, & H. ....	Blatchford & Howland's United States District Court Reports.
Bowler's 1st Comp. Dec. ....	Decisions of the First Comptroller of the Treasury (1893-94).
Cal .....	California Reports.
Cliff .....	Clifford's United States Circuit Court Reports.
C. Cls. R. ....	United States Court of Claims Reports.
Comp. Dec. ....	Decisions of the Comptroller of the Treasury.
Cranch .....	Cranch's United States Supreme Court Reports.
Curtis .....	Curtis's United States Circuit Court Reports.
Curtis on Seamen .....	Curtis's Rights and Duties of Merchant Seamen.
Cust. Reg. ....	Customs Regulations of the United States, edition of 1892.
Dana's Wheaton .....	Wheaton's International Law, Dana's edition.
Fed. Rep. ....	United States Federal Reporter.
Halleck .....	Halleck's International Law.
How .....	Howard's United States Supreme Court Reports.
Low .....	Lowell's United States District Court Reports.
Mason .....	Mason's United States Circuit Court Reports.
Nev .....	Nevada (Territory) Reports.
Olcott .....	Olcott's United States District Court Reports.
Op. Att. Gen. ....	Opinions of the Attorney-General of the United States.
Pac. Rep. ....	Pacific Reporter.
Peters C. C. ....	Peters's United States Circuit Court Reports.
Pick .....	Pickering's Reports (Massachusetts).
R. S. ....	Revised Statutes of the United States (1878).
S .....	Synopsis of Treasury Decisions.
Saw .....	Sawyer's United States District and Circuit Court Reports.
Sprague .....	Sprague's United States Admiralty and Maritime Decisions.
Stat. L. ....	United States Statutes at Large.
Sumn .....	Sumner's United States Circuit Court Reports.
Swabey .....	Swabey's Admiralty Reports.
Taney's Dec. ....	Taney's United States Circuit Court Decisions.
U. S. ....	United States Supreme Court Reports.
U. S. Const. ....	Constitution of the United States.
Wall .....	Wallace's United States Supreme Court Reports.
Ware .....	Ware's United States District Court Reports.
Wash. C. C. ....	Washington's United States Circuit Court Reports.
Whart. Int. L. Dig. ....	Wharton's International Law Digest.
Wheat .....	Wheaton's United States Supreme Court Reports.



## INTRODUCTION.

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### ORIGIN OF CONSULAR JURISDICTION.

Early in the history of commerce it became necessary for commercial states to establish a jurisdiction over seamen, vessels, and merchandise. And as the operations of commerce in foreign ports might involve national interests, as well as the individual interests of merchants and seamen, it became equally necessary that this jurisdiction should be exercised by a national agent. Hence we find among the commercial states of antiquity commercial magistrates with functions similar to those vested in the consuls of modern times, though much more extensive.

Whether these magistrates received the title of consul from motives of vanity, as observed by one writer,<sup>1</sup> or from the importance of their office and the sovereign authority by which it was bestowed, as asserted by another,<sup>2</sup> it is nevertheless true that when it ceased to distinguish the executive magistrate of Rome it came to be used by the commercial states of former times to designate the officers who resided at foreign ports to protect their citizens and their commercial interests.<sup>3</sup> And the name has been continued in modern

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<sup>1</sup> Brown's Elements of Civil Law.

<sup>2</sup> Warden's Consular Establishments.

<sup>3</sup> *Ibid.*

times, though the powers of the consular officer have been greatly modified.

During the Middle Ages consuls were quasi public ministers, who watched over the interests of their countrymen, deciding their disputes, protecting their commerce, and exercising large judicial and commercial powers, independent of the local law.<sup>1</sup> But when public ministers, in name and in fact, came to be established, consuls (except in oriental countries, where their powers are dependent upon treaty, as we shall hereafter see) were shorn of much of their dignity and privileges. They are now, for the most part, commercial agents, and have no representative character. Both in civil and criminal cases they are subject to the laws of the countries in which they reside equally with all other persons. If exceptional privileges are claimed, it must be by virtue of treaty stipulations, local customs, or local law. Any judicial powers which may be vested in the consuls accredited to any particular country must be ascertained by an examination of the treaty stipulations with such country and the laws of the state from which the consuls derive their appointment.<sup>2</sup>

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<sup>1</sup> Pomeroy's International Law.

<sup>2</sup> *Dainese v. Hale*, 91 U. S. Rep., 13.



# REGULATIONS FOR THE CONSULAR SERVICE

OF THE

## UNITED STATES.

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### ARTICLE I.

#### THE CONSULAR SERVICE.

**1. Classification.**—The consular service of the United States consists of consuls-general, vice-consuls-general, deputy consuls-general, consuls, vice-consuls, deputy consuls, commercial agents, vice-commercial agents, consular agents, consular clerks, interpreters, marshals, and clerks at consulates.

**2. Consular officers.**—The term “consular officer” includes consuls-general, consuls, commercial agents, deputy consuls, vice-consuls, vice-commercial agents, and consular agents, and none others.—*R. S., sec. 1674.*

**3. Principal consular officers.**—Consuls-general, consuls, and commercial agents are full, principal, and permanent consular officers, as distinguished from subordinates and substitutes.—*R. S., sec. 1674.* Vice-consuls or vice-commercial agents, when in charge, are acting consuls or commercial agents for the time being, and are principal consular officers.—*33 Fed. Rep. 167.*

**4. Other definitions.**—The term “consul,” whenever the sense so requires, denotes any principal consular officer, or, if necessary, any consular officer. (Paragraph 14.) “Vice-consular officers,” or “substitute consular officers,” includes vice-consuls-general, vice-consuls, and vice-commercial agents. “Subordinate consular officers” includes deputy consuls-general, deputy consuls, and consular agents.—*R. S., sec. 1674.*

#### CONSULS-GENERAL.

**5. Consulates-general.**—Consulates-general are established at Apia, Athens, Bangkok, Barcelona, Belgrade, Berlin, Bogotá, Bucharest, Cairo, Calcutta, Cape Town, Constantinople, Dresden, Frankfort on the Main, Guatemala, Guayaquil, Habana, Halifax, Honolulu, Kanagawa, London, Melbourne, Mexico city, Monrovia, Montreal, Nuevo Laredo, Ottawa, Panama, Paris, Port au Prince, Rio de Janeiro, Rome, St. Gall, St. Petersburg, Santo Domingo, Seoul, Shanghai, Singapore, Tangier, Teheran, and Vienna.—*R. S., sec. 1690; 29 Stat. L., 32.*

**6. Consular jurisdiction.**—All consuls-general are charged with the ordinary duties of a consul within the prescribed limits of their respective districts.

**7. Supervisory powers.**—Consuls-general, except as stated in the following paragraph, are also charged with the supervision of the consulates and commercial agencies, respectively, subordinate to them as hereinafter provided, so far as it can be exercised by correspondence. They will see that the provisions of law and of these regulations are complied with, and that the preparation of the consular correspondence and inclosures is in accordance with the regulations relating thereto. This supervisory jurisdiction, however, does not extend to accounts, consuls-general being in no sense auditing officers.

**8. No supervisory powers.**—The consuls-general at Calcutta, Dresden, and Mexico are not charged with any supervisory

powers and have no consulates or commercial agencies subordinate to them.

**9. Jurisdictional limits.**—The supervisory jurisdiction of other consuls-general extends over all of the consulates and commercial agencies, if any, in the country (but not including distant colonies), or in the colony where such consulates-general, respectively, are located, except as otherwise herein provided.

**10. Germany.**—The consul-general at Berlin has supervisory jurisdiction over the consulates and commercial agencies at Annaberg, Bremen, Breslau, Brunswick, Chemnitz, Glauchau, Hamburg, Hanover, Leipsic, Magdeburg, Plauen, and Stettin. The consul-general at Frankfort over those at Aix la Chapelle, Bamberg, Barmen, Cologne, Crefeld, Düsseldorf, Freiburg, Fürth, Kehl, Mannheim, Mayence, Munich, Nuremberg, Sonneberg, Stuttgart, and Weimar.

**11. Canada and Australasian colonies.**—In the Dominion of Canada the consul-general at Ottawa has supervisory jurisdiction over the consulates in the Province of Ontario; the consul-general at Montreal over the consulates in the Province of Québec; and the consul-general at Halifax over the consulates in the provinces of Nova Scotia, New Brunswick, and Prince Edward Island. The consulates in British Columbia, Manitoba, and Newfoundland are excepted from the jurisdiction of any consul-general. The consul-general at Melbourne has supervisory jurisdiction over the consulates in Australia, Tasmania, and New Zealand.

**12. Nuevo Laredo and Panama.**—The consul-general at Nuevo Laredo has supervisory jurisdiction over the consulates at Chihuahua, Durango, Matamoros, Nogales, Paso del Norte, Saltillo, Tampico, and Piedras Negras. The consul-general at Panama has supervisory power over the consulate at Colon.

**13. Inspections.**—Upon application to the Department of State, and if it shall be deemed proper, authority will be given

to the consuls-general at Berlin, Frankfort, London, Paris, Vienna, and St. Petersburg to visit the several consulates Rome, and commercial agencies in their respective jurisdictions for the purposes of inspection and report. These visits will, however, not be authorized to be made more frequently than once a year, and only upon the permission of the Department previously obtained. A like permission may also be granted to other consuls-general if circumstances shall at any time seem to require it. The actual and necessary traveling expenses incurred in these visitations will be paid.

#### CONSULS.

**14. Two meanings.**—The word “consul” is ordinarily used, in a specific sense, to denote a particular grade in the consular service; but it is sometimes used also, in a generic sense, to embrace all consular officers.—*15 C. Cls. R.*, 74.

#### COMMERCIAL AGENTS.

**15. By the laws of the United States.**—Commercial agents are by the laws of the United States full, principal, and permanent consular officers.—*R. S.*, *sec. 1674*. As respects their powers and duties in the consular service of this Government, no distinction is made by statute between them and a consul. They differ from the latter only in rank or grade. They derive their functions from the same statutes as consuls-general and consuls, and are entitled to enjoy all the powers, immunities, and privileges that under public law or otherwise are accorded to the consular office. The title of the office as representing a distinct grade in the consular service is peculiar to the service of the United States, and usage has established the appointment directly by the President. It is usual to ask formal recognition and an exequatur for a commercial agent from the government to which he is accredited, as in the case of other principal officers.

16. In international law.—Commercial agents in the consular service of the United States are to be distinguished from certain officers described in international law by the same title, who are not usually regarded by other powers as entitled to the full rank and privileges of a consular officer. The exigencies of the public service of the Government have from time to time made necessary the appointment of commercial agents of the character and with the restricted functions and privileges of such officers as known to international law, and this right is at all times reserved. In those instances, however, in which officers of this title and character have been appointed, the appointments have usually been made to countries the governments of which had not been recognized by the United States, or into which it was desired to send a confidential agent whose recognition need not be asked from the local government. Previous to the act of Congress of August 1, 1856, which reorganized the consular service, the officers appointed with the title of commercial agent were usually of this limited character. That act, however, not only established their rank as consular officers, but also superadded to their former powers the functions that appertain to the office of consul.

#### VICE-CONSULAR OFFICERS.

17. Vice-consuls and vice-commercial agents are consular officers who shall be substituted, temporarily, to fill the place of consuls-general, consuls, or commercial agents when they shall be temporarily absent or relieved from duty. They have accordingly no functions or powers when the principal officer is present at his post. Their functions, however, are coextensive with those of the principal when the latter is absent from his district and in all cases where they are lawfully in charge of the office.—*R. S.*, sec. 1674; *33 Fed. Rep.*, 167.

## CONSULAR REGULATIONS.

## DEPUTY CONSULAR OFFICERS.

18. Deputy consuls are consular officers subordinate to their principals, exercising the powers and performing the duties within the limits of their consulates at the same ports or places where their principals are located. They may perform their functions when the principal is absent from his district, as well as when he is at his post; but they are not authorized, in the former case, to assume the responsible charge of the office, that being the duty of the vice-consul.—*R. S., sec. 1674.*

## VICE AND DEPUTY CONSULS-GENERAL.

19. The substitute and subordinate officers of consuls-general are by statute simply designated as vice-consuls and deputy consuls. It is customary, however, and the practice is indirectly recognized in the statutes, to designate such officers as vice-consuls-general and deputy consuls-general. Their powers and duties are the same as specified for vice and deputy consuls in the two preceding paragraphs.—*R. S., secs. 1674, 4130.*

## CONSULAR AGENTS.

20. **Subordinate officers.**—Consular agents are consular officers subordinate to their principals, exercising the powers and performing the duties within the limits of their consular agencies, but at ports or places different from those at which their principals are located.—*R. S., sec. 1674.* Their functions are not, in all respects, as extensive as those of the principal officer. Though they act at places different from the seat of the principal office and their duties are in substance the same toward persons desiring consular services, they act only as the representative of the principal, and are subject and subordinate to him. They are not authorized to correspond with the Department of State, unless through

the principal or under exceptional circumstances; they make no returns or reports directly to the Department, and they are not permitted to render accounts or make any drafts for expenditures on the Departments of the Government unless under express instructions.

**21. Acting consular agents.**—In all cases where it is practicable, consular agents should be citizens of the United States, and none other should be recommended for appointment, unless citizens of proper character and standing can not be found. No consular agent has authority to appoint a sub-agent. In case of emergency, or in the absence of the consular agent on leave, the principal consular officer may designate, with the approval of the Department of State, a suitable person to perform the duties, under the title of consular agent. Consular officers should, at the time the change is made, report to the Department the names of the persons whom they may designate as substitute consular agents during the temporary absence of the latter from their posts, and accompany the report with the signatures of the substitutes and an impression of the official seal of the agency.

**22. Entry upon duty.**—Consular agents are subject, like other consular officers, to the provisions of law and the instructions of the Department of State. As soon as a consular agent has entered upon his duties, a specimen of his signature and an impression of his official seal should be sent to the Department.

#### CONSULAR CLERKS.

**23. President appoints.**—The President is authorized to appoint consular clerks, not exceeding thirteen in number at any one time, who shall be citizens of the United States and over 18 years of age at the time of their appointment. They can not be removed from office except for cause, stated in writing, which shall be submitted to Congress at the session

first following such removal. They may be assigned, from time to time, to such consulates and with such duties as the Secretary of State may direct. When so assigned, they are subordinate to the principal consular officer at the post. They will perform such clerical or other duties of the consulate as he may designate, and carefully observe and obey his instructions in all respects.—*R. S., secs. 1704, 1705.* (Paragraphs 511, 512.)

**24. Examination for appointment.**—No person will be appointed a consular clerk until it shall be satisfactorily shown to the Secretary of State, after due examination and report by an examining board, that the applicant is qualified and fit for the duties of the office.—*R. S., sec. 1705.* If the applicant is in a foreign country, the Secretary of State may permit him to be examined by a series of written questions by the minister of the United States in that country and two other competent persons to be named by him. The result of the examination, with the answers of the candidate in his own handwriting, will then be transmitted to the Secretary of State.

#### INTERPRETERS.

**25.** Interpreters are stationed only at certain consulates in China, Japan, Korea, the Turkish dominions, and Zanzibar. The sums appropriated for this service are expended under the direction of the Secretary of State. For obvious reasons the selection of persons for these appointments is usually made from residents of the particular country whose acquaintance with the language and customs may have qualified them for the office. Their nomination is generally intrusted to the consul.—*R. S., sec. 1692; 18 Stat. L., 66; 29 Stat. L., 27.*

#### MARSHALS.

**26.** The President is authorized by law to appoint marshals for certain consular courts. He sometimes intrusts their



nomination to the consuls; but, as in the case of other subordinate officers, the right is reserved to make such appointments without previous nomination.—*R. S., sec. 4111.*

## CLERKS AT CONSULATES.

**27. Appropriation for clerk hire.**—A specific appropriation is usually made by Congress annually for clerk hire at certain of the larger consulates. A general allowance is also made for clerk hire, to be expended under the direction of the Secretary of State, at consulates not specifically provided for; but no greater portion of this allowance than \$500 will be allowed to any one consulate in any one fiscal year, nor will any allowance ever be made except for money actually expended by the consul for such purpose. The allowance is limited to the fiscal year for which it is made. The name, age, nationality, and qualifications of each clerk will be reported to the Department of State, together with the proposed amount of compensation; and no clerk will be employed without special instruction from the Department authorizing it.

**28. Citizens preferred.**—American citizens should be employed as clerks in the several consulates whenever it is practicable to do so. The presence of clerks of foreign nationality has, in some instances, led to much inconvenience and abuse. Apart from the propriety of employing those who owe allegiance to this Government, it is believed that many young men of worth and ability, both at home and abroad, who desire to acquire a knowledge of the continental languages of Europe—a knowledge which in after years might be valuable to the Government and people—would make equally efficient and more trustworthy assistants. Preference should be given to them in every case where such persons can be found. The Department of State reserves the right to fill such clerkships by appointments

directly from this country, or from citizens of the United States abroad whenever it shall be deemed proper.

**29. Members of consul's family as clerks.**—The employment of members of a consul's family will be permitted only in exceptional cases where the expediency of such employment and the qualifications of the proposed employee are clearly shown.

#### LIMITS OF CONSULAR DISTRICTS.

**30.** The statute authorizes the President to define the extent of country to be embraced within any consulate or commercial agency.—*R. S., sec. 1695.* The consular commission usually describes these limits as including all places nearer to the official residence of a consul than to the residence of any other consul within the same allegiance. This is to be regarded as the rule by which the limits of the respective districts are to be determined in the absence of instructions specifically defining the consular district. In no case, however, is a consular officer authorized to take jurisdiction of consular business outside of the state from the government of which he receives his exequatur. The Department of State may, however, in its discretion, assign a consular agency to a consulate without regard to nearness of geographical situation. The limits of a consular agency are always within the district of the consulate to which it is attached, unless the Department shall determine otherwise.

### ARTICLE II.

#### APPOINTMENT AND QUALIFICATION.

##### PRINCIPAL CONSULAR OFFICERS.

**31.** Consuls-general and consuls are appointed by the President, by and with the advice and consent of the Senate.—*Constitution, Art. II, sec. 2.* Commercial agents are appointed

directly by the President. All principal consular officers qualify by taking the prescribed oath (a copy of which is furnished by the Department of State for the purpose), and by executing a bond to the United States in the form prescribed by the Department.

**32. Examination for appointment.**—Any vacancy in a consulate or commercial agency now or hereafter existing the salary of which is not more than \$2,500, nor less than \$1,000, or the compensation of which, if derived from official fees, exclusive of notarial and other unofficial receipts, does not exceed \$2,500, nor fall below \$1,000, shall be filled (*a*) by a transfer or promotion from some other position under the Department of State of a character tending to qualify the incumbent for the position to be filled; or (*b*) by appointment of a person not under the Department of State but having previously served thereunder to its satisfaction in a capacity tending to qualify him for the position to be filled; or (*c*) by the appointment of a person who, having furnished the customary evidence of character, responsibility, and capacity, and being thereupon selected by the President for examination, is found upon such examination to be qualified for the position.

For the purposes of this paragraph notarial and unofficial fees shall not be regarded; but the compensation of a consulate or commercial agency shall be ascertained, if the office is salaried, by reference to the last preceding appropriation act, and, if the office is not salaried, by reference to the returns of official fees for the last preceding fiscal year.

The examination hereinbefore provided for shall be by a board of three persons designated by the Secretary of State, who shall also prescribe the subjects to which such examination shall relate and the general mode of conducting the same by the board.

A vacancy in a consulate will be filled at discretion only

when a suitable appointment can not be made in any of the modes indicated in this paragraph.

**33. Oath.**—Every consular officer, consular clerk, regularly appointed interpreter, and marshal of a consular court shall, if a citizen of the United States, before entering upon the duties of his office, take and subscribe the oath prescribed by section 1757 of the Revised Statutes (Form No. 1).—*R. S., secs. 1756, 1757; 23 Stat. L., 21.*

**34. To hold but one office.**—No consul-general or consul, appointed to one consulate, shall be permitted to hold the office of consul-general or consul at any other consulate, or exercise the duties thereof.—*R. S., sec. 1691.*

**35. Bond.**—Every consul-general, consul, and commercial agent, before he receives his commission or enters upon the duties of his office, shall give a bond to the United States in a penal sum not less than one thousand nor more than ten thousand dollars, and in no case less than the annual compensation allowed such officer, and conditioned as prescribed in the statutes. Salaried officers included within the prohibition of paragraph 37 shall execute a bond according to Form No. 2; those not so included, according to Form No. 3.—*R. S., sec. 1697; 19 How., 73; 14 Op. Att. Gen., 7.*

**36. Sureties.**—The sureties on bonds of salaried officers shall be permanent residents of the United States, or a regularly authorized surety company incorporated under the laws of the United States or of one of the States, and must be approved by the Secretary of State. The sureties on bonds of unsalaried officers shall be such as the Secretary of State shall approve. Married women will not be accepted as sureties. For instructions to be observed in the execution of bonds, see Forms Nos. 2 and 3, and notes thereto.—*15 Op. Att. Gen., 472; 18 Stat. L., 67; 28 Stat. L., 279.*

**37. Prohibition against trading.**—No consular officer whose salary exceeds \$1,000 a year shall, while he holds his office,

be interested in or transact any business as a merchant, factor, broker, or other trader, or as a clerk or other agent for any such person to, from, or within the port, place, or limits of his consulate-general, consulate, or commercial agency, directly or indirectly, either in his own name or in the name or through the agency of any other person; and he shall in his official bond stipulate, as a condition thereof, not to violate this prohibition. The President may extend this prohibition to any consular officer whose salary does not exceed \$1,000 a year, and may require such officer to give a bond not to violate the same.—*R. S.*, secs. 1699, 1700. The consuls at Fayal and Auckland are exempted from the foregoing prohibition.—*18 Stat. L.*, 486. It is unadvisable that interpreters and marshals of consular courts and consular clerks receiving a salary should be allowed the privilege of trading, although exceptions may be made for good cause shown to the Department of State.

**38. Custody of bonds.**—The bonds of consular officers are, after their approval by the Secretary of State, deposited with the Secretary of the Treasury.—*R. S.*, secs. 1697, 1698. Under the rule of the Treasury Department, bonds, when so filed, can not be withdrawn from its custody; and they are not canceled on the retirement of the officer from the service.

#### SUBSTITUTE AND SUBORDINATE OFFICERS.

**39. Nomination and appointment.**—Vice-consuls-general, deputy consuls-general, vice-consuls, deputy consuls, vice-commercial agents, and consular agents are appointed by the Secretary of State, usually upon the nomination of the principal consular officer. The privilege of making such nominations must not be construed to limit the authority of the Secretary of State to appoint these officers without such previous nomination by the principal officer. The statutory power in this respect is reserved, and it will be exercised in

all cases in which the interests of the service or other public reasons may be deemed to require it.—*R. S.*, *sec. 1695*; *15 C. Cls. R.*, *64*.

**40. Conditions of appointment.**—Consular officers recommending appointments of this character must in all cases submit some evidence of the capacity, character, and fitness of the nominee for the office, and also give his residence and nationality. A nomination failing to give these particulars will not be considered. The nomination must be made in a dispatch addressed to the Assistant Secretary of State, transmitted through the legation or consulate-general, or directly, as the case may be. (Paragraphs 97, 98–105.) A minor will not be approved for any subordinate consular office. All persons nominated for subordinate appointments must be able to speak and read the English language. In all cases where it is practicable to do so, substitute and subordinate offices should be filled by citizens of the United States.

**41. Vice and deputy combined.**—To avoid both the multiplication of offices at one post and the difficulty in obtaining recognition of these officers, it will be required that the position of vice and deputy shall be held by the same person, unless controlling reasons be shown to the contrary.

**42. Foreigners must be authorized.**—In nominating their substitute and subordinate officers consuls should ascertain whether there is any impediment in the laws of the state where they exercise their functions against citizens or subjects of such state accepting an appointment as a consular officer. For example, in Spain and Spanish dominions persons who are nominated to fill subordinate consular positions must have attained their majority, which, under Spanish law, is 24 years. Hence consular officers, in making their nominations for such positions, must satisfy themselves that the person nominated will not be refused recognition on the ground that he has not attained his majority. And in Mexico they must likewise satisfy themselves that the nominee is

not a Mexican citizen, as a citizen of that Republic forfeits his citizenship by accepting an appointment as a consular officer of a foreign power, unless with the permission of the Congress of that country. In the British dominions no person holding an office under the Crown will be recognized as a consular officer of a foreign power.

**43. Bond.**—Every substitute and subordinate consular officer, except consular agents, shall, before entering upon the duties of his office, give a bond with such sureties as shall be approved by the Secretary of State in a sum of not less than \$2,000, conditioned for the true and faithful discharge of the duties of his office according to law, and for truly accounting for all money, goods, and effects which may come into his possession by virtue of his office. (Form No. 3.)—*R. S., secs. 1695, 1698; 26 Fed. Rep., 607.*

**44. Removal of subordinates.**—The removal of competent and faithful subordinates without cause is discountenanced by the Department of State. When, therefore, nominations are made with a view of superseding them, a full and satisfactory statement of the reasons for asking the change must be submitted for the Department's consideration. The appointment of a successor in any of the subordinate offices of a consulate is regarded as canceling the appointment of the predecessor, without a formal notice to that effect from the Department.

**45. Interpreters, marshals, and consular agents.**—Regularly appointed interpreters, if citizens of the United States, qualify by taking the oath of office (Form No. 1), but are not required to give a bond. Marshals of consular courts are required, in addition to the oath of office, to execute and file in the Department of State a bond (Form No. 136).—*R. S., sec. 4113.* No bond is required of consular agents, but a consular officer having agents under his supervision may take from them such bond as he may deem proper for his protection.

**46. Status of marshals and interpreters.**—Disagreements and difficulties have sometimes arisen between the principal officer at a consulate and the interpreter or marshal, in consequence of the latter holding himself, from the circumstance of having a commission from the President, of equal standing in the consulate and of refusing to receive instructions from the consul. It should accordingly be understood by these officers that they are regarded as composing a part of the staff of a consulate and as subordinate to the principal officer. It is their duty, in all that regards the discharge of official business, to respect and obey the instructions of the consul or of the vice-consul, if in charge, and, whenever requested, to assist in the general work of the consulate. Neglect or refusal to comply with the just and reasonable directions of the consul should be reported to the Department of State.

**47. Vacancies to be reported.**—Whenever a vacancy occurs in a vice-consular office, or in that of interpreter, marshal, or consular agent, either by resignation, death, removal of residence, or otherwise, information of the fact should be communicated to the Department of State without delay.

### ARTICLE III.

#### ENTRY UPON DISCHARGE OF DUTIES.

**48. Exequatur.**—Upon the appointment of a consul-general, consul, or commercial agent, his commission is retained at the Department of State until the prescribed oath of office and bond have been filed and approved. Thereupon the commission is transmitted to the diplomatic representative accredited to the government within whose jurisdiction the office is situated, with instructions to apply for an exequatur. The exequatur, when obtained, is transmitted by the diplomatic representative to the consul, together with the commission,



through the consulate-general, if there be one having supervisory powers; otherwise, directly to his address.

**49. Entry upon duty without exequatur.**—The consul may, when so directed by the Department of State, proceed to his post and enter upon the discharge of his duties on receiving permission from the proper local authorities of the place to act in his official capacity until the exequatur arrives. On the receipt of such permission, or if no objection is made to his so acting, it is the duty of the outgoing officer, or the subordinate in charge, to deliver the seals, archives, and other property of the office without waiting for the arrival of the exequatur. As soon as the exequatur is received, it should be made public in the manner usual in the country. In the event that there should be unusual delay in granting the exequatur, the consul should inform the Department.

**50. Procuring exequatur when no diplomatic representative.**—If there be no legation of the United States in the country, the commission of a principal consular officer will be delivered or sent directly to him, with instructions to transmit it without delay, on arrival at his post, to the proper department of the government, and to request an exequatur. In such cases it is usual to inclose the commission in a letter from the Secretary of State to the minister of foreign affairs of the country, to be delivered at a suitable opportunity after the arrival of the consul at his post. In either case he will, in respectful terms, acquaint the authorities of the port or district to which he is sent of his appointment; and if he can obtain their consent to his acting in his official capacity before the receipt of the exequatur, he is authorized so to act.

**51. Recognition of subordinate officers.**—It is customary to transmit to the diplomatic representative, for recognition and authority, the certificates of appointment of all subordinate officers, except those of consular clerks, interpreters, and marshals. And in such cases, before entering

upon his official duties, the consular officer will wait until he receives recognition from the government of the country or permission from the local authorities to act. The subordinate officers mentioned in paragraph 43, who are required to give bond, are not authorized to take charge of their offices or enter upon their duties until the bond has been executed and approved. Until an approved bond has been filed, the accounts for their compensation will not be adjusted at the Treasury Department, and they are without authority to draw upon the Government.

**52. Certificates of subordinate officers, when no legation.**—The certificates of appointment of subordinate officers in countries in which the United States have no legation are sent to the principal officer, with instructions to request, from the proper authority, the recognition or exequatur accorded to such officers.

**53. Practice in colonies.**—It is the practice in the colonies or dependencies of a country to instruct the consul-general, or the principal consular officer if there be no consul-general, to apply to the proper colonial authority for permission for a newly appointed consular officer to act temporarily in his official capacity, pending the result of the request for the exequatur.

**54. Legation may request temporary authority to act.**—Upon the application of the consular officer, or of the consul-general where there is one, the diplomatic representative may make to the minister of foreign affairs a request for temporary permission to act in the case of any consular officer under his jurisdiction.

**55. Instruction period.**—It is usual to require a principal consular officer to proceed to his post within thirty days from the date he takes the oath of office. If a longer time in the United States is desired, satisfactory reasons must be presented to the Department of State for the request.

**56. Notice of arrival at post.**—After the arrival of a consul-general, consul, or commercial agent at his post, he will give information thereof to the legation of the United States, if there be one accredited to the government of the country in which the consular office is situated. A consul and commercial agent within the jurisdiction of a consulate-general will give similar information to such consulate-general.

**57. Delivery of archives and inventory.**—Upon the receipt of the exequatur, or permission to act, the consular officer will apply to the person having charge of the consular seals and public property of the office for their delivery to him; and having made an inventory jointly with his predecessor or the subordinate in charge, if either be present, of the books and other effects, he will transmit a copy of such inventory and a certificate (Form No. 5) signed by himself and his predecessor, or the subordinate officer, or in their absence by himself, to the Department of State.

**58. Certificate to Auditor.**—The consul will transmit to the Auditor for the State and other Departments a certificate executed jointly by himself and his predecessor, or the subordinate in charge, if either be present, showing the date of actual entry on his duties. (Form No. 5, omitting the inventory.) He may then take charge of the seals, archives, and property of the office.

**59. Inventory, how made.**—In preparing the inventory of the public property, consular officers are instructed to follow, as closely as possible, the order of former inventories, so that a comparison can readily be made at the Department of State. A copy of each inventory should be carefully preserved among the consular records. (Paragraphs 431–433.)

**60. Inventory of consular agency.**—Upon the appointment of a consular agent, an inventory of all property at the agency belonging to the United States should be made by the incoming and outgoing officers, with a certificate showing the

date of delivery, both of which should be sent to the principal officer, to be by him communicated to the Department of State.

**61. Location of office and residence.**—Consular officers who are prohibited from engaging in business will be expected to establish their offices at the most convenient central location that the sum allowed for office rent will permit, and to keep them open daily during the usual business hours of the place. No subordinate or branch office will be permitted in the same place with the consulate. (Paragraphs 64–67.)

**62. Residence.**—Consular officers are expected to live in the towns in which their offices are located by their commissions, and a disregard of this requirement will not be countenanced, except in those cases that have, for special reasons, been expressly exempted. In no case will a consul be permitted to reside outside of his consular district.

**63. Office hours.**—Consular officers of the United States should be ready and willing to perform the duties of their office at any time; and although it is proper and right to have fixed office hours, in order that the public may know at what hours they may be sure to find the consular officer at the consulate, such fixed hours must not be considered as the limit of the time within which consular officers may be called upon to perform their official duties. (Paragraph 61.)

**64. Office rooms.**—The selection of office rooms and the amount to be paid for office rent are intrusted to the consular officer. The actual expense of rent, within the statutory limit of 20 per cent of the salary, is allowed to him for that purpose; but all arrangements and obligations respecting the leasing of premises and the amount and terms of payment are made by the consular officer, and the Government assumes no responsibility therefor. When suitable offices have been obtained, they should not be changed, except for good cause, to be reported to the Department of State; and it is expected

that the same offices will be retained by successive consular officers whenever it is practicable to do so. Suitable offices can not usually be had except upon a lease for one or more years. The recall or retirement of a consular officer during the pendency of such a lease not infrequently results in embarrassment and loss if the incoming officer refuses to continue the occupancy. Under these circumstances it will be required that the same offices should be retained until the lease expires, unless a change can be made without loss to the outgoing officers, or unless there exists some controlling reason justifying the change, the nature of which should be reported to the Department. (Paragraphs 61, 67.)

**65. Report regarding office.**—Consular officers are required, at the earliest opportunity, to prepare and forward to the Department of State a brief report in relation to the offices occupied by them. This report must embrace the following particulars:

1. Give the street and number of the premises, stating whether they are in a residential or business quarter of the town. State whether the offices are separate and self-contained, or whether office or desk room only is occupied in the officer's residence or in premises used for other business purposes. State the actual rental and to whom and how paid. Scrupulous exactness is enjoined in reporting the circumstances under which the offices are rented.

2. Give the number, size, arrangement, and employment of the rooms devoted to the public business. A diagram will probably be the most convenient mode of showing these particulars, and its utility will be enhanced if it shows the means of access from the street and the window lighting, whether on the street or on internal courts or wells.

3. State the manner in which the offices are protected when not open for business, whether by a janitor or porter in charge of the building or by the residence on the premises of

any official dependent whose wages are paid by the Department of State. In the latter case, state the accommodations assigned to such dependent.

Though it is not desired that this report should be accompanied by a full inventory of the property of the Government in the offices, it would be serviceable to describe generally the furnishing of each office room. (See as to furniture report, paragraph 431.)

It is expected that any change in the official quarters will be likewise reported in detail.

**66. Report when new office rented.**—Before a new office is rented consular officers are required to report the following facts to the Department of State:

- (1) The amount per annum to be expended for office rent.
- (2) The number, dimensions, and location of the rooms to be paid for out of the rent allowance, with diagram.
- (3) Whether consul proposes to occupy as a residence or for private purposes any part of the rooms paid for out of the allowance, and if so, what part.
- (4) Whether consul's residence is in the same building or is owned by the same landlord as the consular office; and, if so, what his contract for the rent of his residence is. Give number of rooms, dimensions, and location, as in case of the office rooms.
- (5) Any remarks that may be necessary in explanation of the direct answers to these questions.

The approval of the Department must be awaited before closing the lease.

**67. Consulate to be separate from business offices.**—Consular officers, especially in important commercial and manufacturing districts, are not permitted to have their offices in the counting rooms or places of business of merchants, manufacturers, agents, solicitors, or brokers. The appropriate business of the consular officer must not fail to receive his

personal attention nor be left to be performed by such merchants or other persons or their clerks, so that the contents of invoices, which are in all cases to be regarded as confidential, become known to interested parties, to the serious injury of the persons to whom the invoices properly belong. Such practices are highly reprehensible, and are ground for serious complaint. The consular office, whether the consular officer is prohibited from trading or not, must be in a respectable location and devoted exclusively to the consular business; and no one but a duly authorized officer must be permitted to have access to the consular papers or to use the consular seals.

**68. Public moneys.**—If there are any public funds in the hands of his predecessor, the consular officer may take charge of them. The outgoing officer, however, is responsible to the Government for them, and they can not be demanded as a matter of right. It is expected in any case that sufficient funds, if in the hands of the outgoing officer, will be left for the immediate needs of the office. For any moneys so transferred the outgoing officer should be careful to take proper receipts, to be transmitted with his accounts. If the funds held by the predecessor are the proceeds of the effects of an American citizen who died intestate more than a year previous to the transfer of the office which should have been remitted to the Treasury as provided by law, it is not usual to deliver them to the successor; but they should be remitted by the outgoing officer, who is responsible therefor. (Paragraph 406.)

**69. Notice on entering on duties.**—Having entered on the duties of his office, the consular officer, if a consul-general, should immediately give notice thereof to the Department of State and to the diplomatic representative; if a consul or commercial agent, he will give like notice to the Department and to the consul-general to whom he may be subordinate,

or, if there be no consul-general, then to the diplomatic representative, if there be one. He will also inform the principal consular officers of the United States in the country, and will also send his official card to, or call personally upon, the proper local officers and the consular officers of other countries in the place, as the custom may be. He will also, before the expiration of ninety days after entering on his duties, nominate to the Department of State, through his immediate superior, or directly, agreeably to the instructions of paragraphs 97-100, suitable persons for appointment to the consular agencies in his jurisdiction and a suitable person to be vice-consul or vice-commercial agent to act in case of his temporary absence or of his relief from duty from any cause. As subordinate officers are not to be removed without cause (paragraph 44), the foregoing direction applies only to cases in which the consul determines after examination that a change is required for the good of the service.

**70. Use of arms and flag.**—The arms of the United States should be placed over the entrance to the consulate or commercial agency, unless prohibited by the laws of the country. Only one coat of arms will be permitted to be exposed in each port where a consular office is located, and that will be placed over the office devoted to consular business. Wherever the custom prevails, the national flag should be hoisted on such occasions as the consular officer may deem appropriate, or when it may be required for his protection or as the emblem of his authority. It is not usually necessary that it should be unfurled daily. The occasions for its display are within the judgment of the consular officer; but its use will be suggested on all national holidays of his own country and whenever it would indicate a becoming respect to the customs, festivals, or public ceremonies of the country to which he is accredited. (Paragraph 73.)



## ARTICLE IV.

## PRIVILEGES AND POWERS UNDER THE LAW OF NATIONS.

**71. Have not privileges and immunities of diplomatic representatives.**—In the early middle ages, and before the establishment of more or less permanent legations, consuls appear to have enjoyed the right of extritoriality and the privileges and immunities now accorded to diplomatic representatives. In non-Christian and semicivilized countries these privileges have, to a large degree, been preserved to them, and they have the sanction of both treaty and usage. Upon the establishment of legations, however, the exemptions and immunities granted to consuls came to be regarded as a limitation of the territorial rights of the sovereign, and they have in the process of time been restricted to such as are necessarily incident to the consular office, or have been provided for by treaty, or are supported by long-established custom or the particular laws of the place. A consular officer in civilized countries now has, under public law, no acknowledged representative or diplomatic character as regards the country to which he is accredited. He has, however, a certain representative character as affecting the commercial interests of the country from which he receives his appointment; and there may be circumstances, as, for example, in the absence of a diplomatic representative, which, apart from usage, make it proper for him to address the local government upon subjects which relate to the duties and rights of his office, and which are usually dealt with through a legation.

**72. Rights and privileges sanctioned by custom and local law.**—Although consuls have no right to claim the privileges and immunities of diplomatic representatives, they are under the special protection of international law, and are regarded as the officers both of the state which appoints and the state

which receives them. The extent of their authority is derived from their commissions and their exequaturs. It is believed that the granting of the latter instrument, without express restrictions, confers upon a consul all rights and privileges necessary to the performance of the duties of the consular office. Generally, a consul may claim for himself and his office not only such rights and privileges as have been conceded by treaty, but also such as have the sanction of custom and local laws, and have been enjoyed by his predecessors or by consuls of other nations, unless a formal notice has been given that they will not be extended to him.

**73. General privileges and rights.**—A consul may place the arms of his government over his doors. Permission to display the national flag is not a matter of right, though it is usually accorded, and it is often provided for by treaty. (Paragraph 70.) He may claim inviolability for the archives and official property of his office, and their exemption from seizure or examination. He is protected from the billeting of soldiers in the consular residence, and he may claim exemption from service on juries and in the militia and from other public duties. It is probable, however, that all these privileges could not be claimed for subordinate officers, especially for those who are citizens or subjects of the foreign state. The jurisdiction allowed to consuls in civilized countries over disputes between their countrymen is voluntary and in the nature of arbitration, and it relates more especially to matters of trade and commerce. A consul is, however, under public law, subject to the payment of taxes and municipal imposts and duties on his property in the country or on his trade, and generally to the civil and criminal jurisdiction of the country in which he resides. It is probable, if he does not engage in business and does not own real estate, that he would not be subject to arrest or incarceration, except on a criminal charge, and in the case of the commission of a crime

he may either be punished by the local laws or sent back to his own country. In the absence of a diplomatic representative, a consul doubtless has the right of access to the authorities of the state in all matters appertaining to his office.

**74. Merchant consuls.**—The privileges of a consul who engages in business in the country of his official residence are, under international law, more restricted, especially if he is a subject or citizen of the foreign state. If his *exequatur* has been granted without limitations, he may claim the privileges and exemptions that are necessary to the performance of the duties of his office; but in all that concerns his personal status or his status as a merchant it is doubtful whether he can claim any rights or privileges not conceded to other subjects or citizens of the state. He should, however, claim the same privileges and immunities that are granted to other merchant consuls in the same country.

**75. Non-Christian countries.**—In non-Christian countries the rights of extritoriality have been largely preserved, and have generally been confirmed by treaties to consular officers. To a great degree they enjoy the immunities of diplomatic representatives, together with certain prerogatives of jurisdiction (see Article XXX), the right of worship, and, to some extent, the right of asylum. These immunities extend to exemption from both the civil and criminal jurisdiction of the country to which they are sent, and protect their households and the effects covered by the consular residence. Their personal property is exempt from taxation, though it may be otherwise with real estate or movables not connected with the consulate. Generally, they are exempt from all personal impositions that arise from the character or quality of a subject or citizen of the country.

**76. Precedence and ceremonial.**—Consuls have no claim, under international law, to any foreign ceremonial, and no right of precedence except among themselves and in their relation to

the military and naval officers of their own country. This precedence, as to officers of the same grade in the consular body of the place, depends upon the date of the respective exequaturs.—1 *Halleck, ch. 11, sec. 7.* (Paragraphs 440-442.)

#### ARTICLE V.

#### PRIVILEGES AND POWERS UNDER TREATIES AND CONVENTIONS.

77. The fundamental rights and privileges of consular officers depend upon the principles of international law and the custom and usage of nations. Certain rights and privileges are also specifically guaranteed to them by treaties. This article is intended simply as a summary of some of the more important rights and privileges secured to consular officers of the United States by treaties. The several consular treaties and conventions with other powers may be found in Appendix III, and in each case the consul must look there for more detailed information. The Department of State must necessarily trust to the discretion of the consul, on the one hand, not to permit his rights to be invaded without protest, and, on the other hand, not to claim what he can not maintain. If the rights thus secured by treaty are in any case invaded or violated, the consul will at once complain to the local authorities, to the Department, and to his immediate superior. These complaints should set forth in full all the facts showing the invasion or violation.

#### FAVORED-NATION CLAUSE.

78. Some of the consular treaties of the United States contain a clause, commonly called "the most-favored-nation clause." This right is secured by treaties with the Argentine Republic, Austria-Hungary, Belgium, Bolivia, Colombia, Costa Rica, the Dominican Republic, Denmark, Ecuador,

Egypt, France, Germany, Hawaiian Islands, Haiti, Honduras, Italy, Kongo Free State, Korea, Japan,<sup>1</sup> Madagascar, Morocco, Netherlands (and colonies), Nicaragua, Orange Free State, Paraguay, Persia, Peru, Portugal, Prussia, Roumania, Russia, Salvador, Servia, Spain, Switzerland, and Tripoli. In those countries consuls of the United States are entitled to claim as full rights and privileges as have been granted to consuls of other nations.

#### INVIOABILITY OF THE ARCHIVES AND PAPERS OF THE CONSULATE.

79. This is secured by treaties with Austria-Hungary, the Argentine Republic, Belgium, Bolivia, Colombia, Denmark, the Dominican Republic, Ecuador, France, Germany, Greece, Haiti, Kongo Free State, Maskat, Netherlands (and colonies), Orange Free State, Peru, Portugal, Roumania, Salvador, Servia, Sweden and Norway, and Switzerland.

#### INVIOABILITY OF THE CONSULAR OFFICE AND DWELLING.

80. This is secured by treaties with Belgium, Bolivia, France, Germany (of consuls not citizens), Italy, Kongo Free State, Korea, Maskat, Morocco, Roumania, Salvador, and Servia; but the dwelling can not be used as an asylum. It is agreed with Colombia that the persons and dwellings of consuls are to be subject to the laws of the country, except as specially exempted by treaty. The consulates in Germany are not to be made asylums for the subjects of other powers.

#### EXEMPTION FROM ARREST.

81. By convention with Belgium, Germany, Italy, Kongo Free State, Netherlands, Roumania, and Servia, the consul is exempted from arrest, except for crimes. By treaty

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<sup>1</sup> Treaty of November 22, 1894, which goes into effect July 17, 1899.

with Turkey he is entitled to suitable distinction and necessary aid and protection. In Maskat he enjoys the inviolability of a diplomatic officer. In Austria-Hungary and France he is to enjoy personal immunities; but in France, if a citizen of France, or owning property there, or engaged in commerce, he can claim only the immunities granted to other citizens of the country who own property or to merchants. In Austria-Hungary and Roumania, if engaged in business, he can be detained only for commercial debts. In Colombia the consuls of the United States have no diplomatic character. In Great Britain, Liberia, Netherlands (as to colonies), Nicaragua, and Paraguay they are regarded as appointed for the protection of trade.

#### EXEMPTION FROM OBLIGATION TO APPEAR AS A WITNESS.

82. This is secured absolutely by convention with France, and, except for defense of persons charged with crime, by conventions with Austria-Hungary, Belgium, Italy, Netherlands, Roumania, Salvador, and Servia. In such case the testimony may be taken in writing at the consul's dwelling. If the consul claims this privilege, he should, in such case, offer to give his evidence in the mode prescribed by the particular convention, and should throw no impediment in the way of the proper administration of justice in the country of his official residence.

#### EXEMPTION FROM TAXATION.

83. When a consul is not a citizen of the country in which the consulate is situated, and does not own real estate therein, and is not engaged in business therein, he is secured against the liability to taxation by treaties or conventions with Austria-Hungary, Belgium, Bolivia, Colombia, Denmark, Dominican Republic, Ecuador, Egypt, France, Germany, Haiti, Hawaiian Islands, Italy, Kongo Free State, Netherlands (and

colonies), Orange Free State, Persia, Peru, Portugal, Roumania, Russia, Salvador, Servia, and Switzerland. In Germany the official income of a consul is not taxable. In general, if a consular officer engages in business or owns property in the country of his official residence, he can not claim exemptions in respect of such business or property other than those accorded to citizens or subjects of the country.

**EXEMPTION FROM MILITARY BILLETINGS OR SERVICE AND PUBLIC SERVICE.**

**84.** If consuls are not citizens of the country of their consular residence or domiciled in it at the time of appointment, exemption from military billetings or service is secured by conventions with Austria-Hungary, Belgium, France, Germany, Italy, Kongo Free State, and Netherlands. Exemption from all public service is secured by treaties with Colombia, Denmark, Germany, Peru, Salvador; and in Colombia the exemption also extends to officers, secretaries, and attachés, and in Servia and Roumania to all citizens of the United States.

**INFRACTION OF TREATIES.**

**85.** The right of consuls to correspond with the local authorities in case of any infraction of treaty is secured by conventions with Austria-Hungary, Belgium, Colombia, France, Germany, Italy, Kongo Free State, Netherlands (and colonies), Roumania, Salvador, and Servia; and in case the local authorities fail to give redress and there be no diplomatic representative, they may apply to the government of the country in which they, respectively, exercise their functions.

**USE OF THE NATIONAL ARMS AND FLAGS ON OFFICES AND DWELLINGS.**

**86.** The right to place the national arms and the name of the consulate on the offices is given by treaties with Austria-Hungary, Italy, and Netherlands (and colonies); on their

offices and dwellings by treaty with Belgium and Germany; the right to place the national flag on their dwellings, except where there is a legation, by treaties with Austria-Hungary, Belgium, Germany, Roumania, and Servia; the right to place the arms, name, and flag on their offices or dwellings by treaties with France and Salvador; and the right to place the name and flag on their dwellings by treaty with Colombia. The treaty with the Kongo Free State confers the right to raise the flag on the consular office.

## DEPOSITIONS.

87. The right to take depositions is secured by conventions with Austria-Hungary, Belgium, Colombia, France, Germany (of American citizens), Italy, Kongo Free State, Netherlands, Roumania, Servia, and Salvador.

JURISDICTION OVER DISPUTES BETWEEN MASTERS, OFFICERS,  
AND CREWS.

88. Exclusive jurisdiction over such disputes in the vessels of the United States, including questions of wages, is conferred by treaties or conventions with Austria-Hungary, Belgium, Colombia, Denmark, Dominican Republic, France, Germany, Greece, Italy, Kongo Free State, Netherlands (and colonies), Portugal, Roumania, Russia, Salvador, Sweden and Norway, and Tripoli.

## RIGHT TO RECLAIM DESERTERS.

89. The right to reclaim deserters from the vessels of the United States is conferred by treaties or conventions with Austria-Hungary, Bolivia, Belgium, Colombia, Denmark, Dominican Republic, Ecuador, France, Great Britain, Greece, Germany, Hanseatic Republics, Haiti, Hawaiian Islands, Italy, Kongo Free State, Japan, Madagascar, Netherlands (and colonies), Peru, Portugal, Roumania, Russia, Salvador,



Sweden and Norway, and Siam; but if a deserter has committed a crime against local law the surrender will be delayed until after punishment.

#### SALVAGE AND WRECKS.

**90.** The powers of consuls to adjust damages suffered at sea and in matters of wrecks and salvage are settled by treaties with Austria-Hungary, Belgium, Bolivia, Borneo, China, Colombia, Dominican Republic, Ecuador, France, Germany, Greece, Guatemala, Haiti, Hawaiian Islands, Honduras, Italy, Japan, Korea, Liberia, Madagascar, Maskat, Morocco, Netherlands (including colonies), Ottoman Porte, Paraguay, Roumania, Salvador, Siam, Spain, Sweden and Norway, Tripoli, and Tunis. In Maskat and the Ottoman dominions they have the right, in the absence of the owner or agent, to receive the property of American citizens wrecked or captured from pirates.

#### PERSONAL EFFECTS OF DECEASED CITIZENS OF THE UNITED STATES.

**91.** In Austria-Hungary, Belgium, Germany, Italy, and Netherlands (and colonies) the local authorities are required to inform consuls of the death of their countrymen intestate or without known heirs. In Germany, Roumania, and Serbia consuls have the right to appear for absent heirs or creditors until regularly authorized representatives appear. In Maskat, Morocco, Persia, Peru, Salvador, Tripoli, and Tunis they may administer on the property of their deceased countrymen. In Colombia they may do so, except when legislation prevents it. In Costa Rica, Honduras, and Nicaragua they may nominate curators to take charge of such property, so far as local laws permit. In Paraguay they may become temporary custodians of such property. In Germany they may take charge of the effects of deceased sailors.

## EXTRADITION OF FUGITIVE CRIMINALS.

92. Provision has been secured in the treaties with certain countries under which the requisitions for the surrender of fugitives from justice may be made by consular officers in the absence of a diplomatic representative. In such cases the requisition is made by the superior consular officer. Treaties of this character have been concluded with Belgium, Colombia, Dominican Republic, Ecuador, Italy, Japan, Netherlands, Nicaragua, Norway, Orange Free State, Ottoman Empire, Russia, Salvador, Siam, Spain, Sweden, and Swiss Confederation.

The treaties with Austria-Hungary, Baden, Bavaria, Hanover, and Prussia provide that requisitions for the surrender may be made through "the ministers, officers, or authorities" of the demanding government. The treaty with Great Britain stipulates that requisitions shall be made by "the ministers or officers authorized to make the same," and in the treaty with Hawaii "the authorities" may make requisition.

The "officers or authorities" who may make requisition under these treaties are such executive agents or officers of the demanding government as may be entitled to recognition for that purpose at the department of foreign affairs of the government applied to. The latter government may, in its discretion, recognize a consular officer or whom it will as agent ad hoc to make the requisition.—8 *Op. Att. Gen.*, 240. (Paragraphs 423-425.)

## JUDICIAL POWERS.

93. By treaties with those countries, consuls have judicial power in civil or criminal cases, or both, in Borneo, China, Japan,<sup>1</sup> Korea, Madagascar, Maskat, Morocco, Persia, Samoan

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<sup>1</sup> By treaty of November 2, 1894, between the United States and Japan (Articles XVIII and XIX), the judicial powers of consuls of the United States in Japan will cease July 17, 1899.

Islands, Siam, Tripoli, Tunis, and Turkey. For the extent and character of that jurisdiction, see the treaties and also Article XXX of these Regulations.

## ARTICLE VI.

## SUPERVISORY POWERS OF CONSULS-GENERAL.

**94. To exercise supervisory powers.**—Consuls-general having supervisory powers (paragraph 7) are the immediate official superiors of the consuls within their respective jurisdictions, and will exercise over them, to the extent herein provided, the supervisory powers which in other cases are vested in the diplomatic representative of the United States.

Consuls-general are expected, as far as possible, to see that the consular officers subordinate to them obey the Regulations and carry out the instructions given them; and from time to time they will make reports or recommendations tending to the improvement of the service in their districts.

## CORRESPONDENCE.

**95. In Austria-Hungary, China, France, Germany, Great Britain and Ireland, Italy, Japan, Mexico (within jurisdiction of Nuevo Laredo), Russia, Turkey, and Cuba** consuls and commercial agents will transmit their correspondence and reports to the Department of State, under open cover, through their respective consuls-general. Accounts and correspondence relative thereto should be sent by the consular officer directly to the Department or to the Auditor for the State and other Departments, as the case may be.

**96. Brazil, Australasian colonies, and Cuba.**—The consuls at Rio Grande do Sul and Santos will transmit their correspondence and reports to the Department of State, under open cover, through the consul-general at Rio de Janeiro; and the other consuls in Brazil will send copies of such of their dispatches as are of special interest or importance to the same officer.

The consuls in Australia, Tasmania, and New Zealand will send their correspondence and reports directly to the Department, and will send copies of all dispatches of importance to the consul-general at Melbourne.

In Cuba the correspondence with the Spanish officials at Habana will be conducted through the medium of the consulate-general.

LEAVES OF ABSENCE AND NOMINATION OF SUBSTITUTE AND SUBORDINATE OFFICERS.

**97. Through consul-general.**—Requests for leave of absence and the nomination of substitute and subordinate officers by consuls and commercial agents in the Australasian colonies, Austria-Hungary, Brazil, the Dominion of Canada (except British Columbia and Manitoba), China, Cuba, France (except the colonies, but including Algiers), Germany, Great Britain and Ireland (except the colonies not herein mentioned), Greece, Haiti, Italy, Japan, Mexico (but including only those within the jurisdiction of the consul-general at Nuevo Laredo), Roumania, Russia, Spain, and Turkey must be transmitted through the proper consul-general and receive his written approval.

**98. Direct to Department.**—Principal consular officers not included within the provisions of the preceding paragraph nor within the provisions of paragraph 105 will transmit requests for leave of absence and nomination directly to the Department of State.

**99. Requests, how addressed.**—In all cases requests for leave of absence and for the appointment of subordinate officers, whether submitted to a diplomatic representative or a consul-general, or sent directly to the Department of State, should be addressed to the Assistant Secretary of State, in accordance with paragraph 129. Both delay and inconvenience are caused by addressing them to the superior officer in the country of official residence.

**100. Temporary appointments.**—For the authority of consuls-general to make temporary appointments where a vacancy occurs in the offices both of consul and vice-consul at a consulate within their jurisdiction, see paragraph 107.

#### ARTICLE VII.

#### SUPERVISORY POWERS OF DIPLOMATIC REPRESENTATIVES.

**101. Supervisory powers.**—Diplomatic representatives in countries where there is no consul-general with supervisory powers will continue, as heretofore, to exercise a general supervision of the consular officers within their respective jurisdictions. And, generally, these representatives will maintain such correspondence with consular officers in the countries to which they are accredited as they may deem conducive to the public interest. It will be the duty of consular officers to endeavor in all cases to comply with their requests and wishes.

**102. Where a consul-general.**—In countries where there is a consul-general with supervisory powers the several consuls subordinate to them, respectively, will not correspond officially with the diplomatic representatives of the United States in those countries, unless in reply to communications or inquiries from them, but will make all their representations through their respective consulates-general.

**103. Over consuls-general.**—Diplomatic representatives have the same general supervision over consuls-general which they have over consuls in countries where there is no consul-general. The consul-general in Cuba is, however, directly responsible to the Department of State.

**104. China.**—Owing to the remoteness of Peking from the consular ports, every consul in China will send to the diplomatic representative on the first of every month a brief topical summary, giving a list of all official communications made

by him during the month preceding to the consul-general, the Department of State, the local Chinese authorities, to consular agents, or to others to whom he may have occasion to write in the course of business, and of all communications received. The consul-general will also in the same way keep the minister fully informed as to the business of the consulate-general, and consular agents will make similar reports to the consul in whose jurisdiction they act. Any event of political importance, whether American interests are directly involved or not, should be immediately reported to the legation.

**105. Leaves of absence and nominations.**—Requests for leave of absence or for the appointment of substitute or subordinate officers from principal officers in the Argentine Republic, Belgium, Bolivia, Chile, Costa Rica, Denmark (except the colonies), Guatemala, Hawaiian Islands, Honduras, Netherlands (except the colonies), Nicaragua, Peru, Portugal and dependencies, Roumania, Salvador, Sweden and Norway, Switzerland, Uruguay, and Venezuela must be accompanied by the written approval of the diplomatic representative of the United States resident in the country. (Paragraphs 97, 98.)

**106. In other countries.**—In countries not included in the foregoing nor in paragraph 97 similar requests should be addressed directly to the Department of State. In Colombia, Liberia, and Mexico (except such as are within the jurisdiction of the consul-general at Nuevo Laredo), on the receipt of notice of the granting of a leave of absence, the consular officer will promptly inform the diplomatic representative of the contemplated date of departure and of the name of the subordinate left in charge of the office.

#### TEMPORARY APPOINTMENTS.

**107. Diplomatic representative may appoint.**—In case a vacancy occurs in the offices both of consul and vice-consul, or in case of the absence from the country of both of these officers, or

in case of other emergencies, which requires the appointment of a person to perform temporarily the duties of the consulate, the diplomatic representative has authority to make such appointment, with the consent of the foreign government and in conformity to law and these Regulations, immediate notice being given to the Department of State. In those countries, however, where there are consuls-general, to whom the nominations of subordinate officers are required to be submitted for approval, the authority to make such temporary appointments is lodged with them. Immediate notice should be given to the diplomatic representative of the proposed appointment, and, if it can be done within a reasonable time, he should be consulted before the appointment is made. If such a vacancy should occur in a consulate-general, the temporary appointment will be made by the diplomatic representative.

**108. Title of appointees.**—It is required that the appointees to such vacancies should be designated by the title of vice-consul or vice-commercial agent, as the case may be, instead of acting consul or acting commercial agent, and that they should qualify for the office by filing a proper bond in the Department of State, in the manner prescribed for such officers. (Paragraphs 21, 43.)

#### ARTICLE VIII.

##### RELATIONS TO NAVAL OFFICERS OF THE UNITED STATES.

**109. Commanders of squadrons.**—When a naval squadron of the United States visits a port where there is a consular officer, it is the duty of the commander of the squadron to send a boat on shore, with an officer on board, who shall visit the consul-general, consul, or commercial agent and tender him a passage to the flagship.

**110. Salutes.**—It is the duty of the consul-general, consul, or commercial agent to accept the invitation and visit the flagship, and tender his official services to the commander. He is entitled once while the squadron is in port to a salute of nine guns if a consul-general, of seven guns if a consul, or of five guns if a commercial agent, which may be fired either while he is on board (which is unusual) or while he is being conveyed from the vessel to the shore; in the latter case he will face the vessel, and at the end of the salute acknowledge it by raising his hat. A vice-consul-general, a vice-consul, or a vice-commercial agent, when in charge of the office and acting as consul-general, consul, or commercial agent, is entitled to the same salute as the titular officer.

**111. Commanders of vessels.**—When an American ship of war visits a port, it is the duty of the commander thereof, not a commander of a squadron or in chief, to pay the first visit in person to a consul-general, and to offer him a passage to his ship. If the consular officer be of lower grade than a consul-general, or if the commander be a commander of a squadron or in chief, it is the duty of the commander, on the arrival of his vessel in port, to send a boat with an officer to visit the consular officer and tender him a passage to the ship. It is the duty of a consular officer to accept the invitation. Consular officers are entitled to the same salutes from a ship of war as herein provided in the case of squadrons.

**112. Social attention to naval officers.**—Though consular officers are expected to use their official position to advance the interests of the Navy, it may be remarked that their salaries are not established on a scale to require social attentions to the officers which call for the expenditure of money, unless they see fit to give them. The fact that such attentions have been given, or are supposed to be required, will not justify a consul in asking increased compensation.



**113. When naval force may be asked.**—The Navy is an independent branch of the service, not subject to the orders of the Department of State, and its officers have fixed duties prescribed for them; consuls will therefore be careful to ask for the presence of a naval force at their ports only when public exigencies absolutely require it, and will then give the officers in command in full the reasons for the request and leave with them the responsibility of action. If the request is addressed to the Department of State, the reasons should likewise be fully stated for its information.

#### ARTICLE IX.

##### CORRESPONDENCE WITH THE DEPARTMENT OF STATE.

**114. Dispatches.**—All dispatches addressed to the Department of State, as well as inclosures, must be written in a fair, legible hand, or typewritten, on cap paper, on every page, leaving an inch margin on each side of the page. Dispatch paper of the prescribed form will be supplied by the Department upon requisition therefor.

**115. Typewritten dispatches.**—In typewritten dispatches and inclosures care should be taken that a margin of an inch or an inch and a half be allowed at the top of each page before writing the first line. By setting the carriage of the machine so that it will begin to write at No. 10 of the scale, a good margin will be secured on the left-hand side of the first page. On the second page the right-hand side should not be written on beyond the figures 55 marked on the scale. These margins allow the room necessary for binding the dispatches, and also give them a neat and uniform appearance. A margin of an inch should be allowed at the bottom of each page.

**116. Reports.**—Reports intended for publication should be written on one side of the sheet only, in order to facilitate their printing. They need not be sent in duplicate.

**117. Numbering dispatches.**—Dispatches must be numbered consecutively, beginning with the acceptance of the office and continuing consecutively during the term of the incumbent. A vice-consular officer, acting in the absence of his principal, or when from a vacancy or other cause he is in charge of the office, should continue the series of numbers of the principal or of the late consul, as the case may be. This series will, in the case of a vacancy, be continued until the entry of a successor upon his duties. A new series should not be begun with the new year, and the series of numbers of dispatches to the Department of State must not be used in communications to other Departments.

Such dispatches as fall under the following heads should not be numbered:

1. Forwarding quarterly accounts and returns.
2. Transmitting advice of drafts.
3. Requisitions for stationery and other supplies.
4. Acknowledging receipt of such supplies.
5. Acknowledging receipt of circulars.
6. Forwarding reports called for by circulars, and, in general, all reports by consular officers which are not called for by numbered instructions.
7. Acknowledging receipt of monthly Consular Reports.

All quarterly accounts and returns should be transmitted under the cover of one dispatch when practicable.

**118. One subject.**—Each dispatch is, as far as possible, to be confined to one subject, and is to be divided into paragraphs when treating of the several parts of a subject.

**119 Correspondence of subordinates.**—The official correspondence of consular agents, and of marshals, interpreters, and consular clerks, will be submitted to the examination of the principal consular officers to whom they are subordinate or to whose offices they are assigned. Consular agents are not authorized to address the Department of State directly, or to

make their reports or returns, except through their respective superiors.

**120. Form of dispatch.**—All dispatches to the Department of State should begin upon the third page of the sheet. The second line on the first page should contain the number of the dispatch and the station of the consulate; the third line, the date of the dispatch; the fifth line, the name of the consular officer and of the Assistant Secretary of State; the seventh line, the general subject of the dispatch; and the subsequent lines of that and the following page (if necessary) a synopsis of the contents. A pro forma dispatch will be found in the appendix. (Forms Nos. 6 and 7.)

**121. Inclosures.**—In transmitting inclosures in dispatches, the contents of the inclosures are to be briefly stated in the body of the dispatch, and attention is to be directed to such points contained in them as may appear to be particularly deserving of notice. In each case, following the signature, the consul should subjoin a "List of inclosures," showing the names of the persons by and to whom the inclosure is written and the subject. Tabular statements accompanying dispatches are in all cases to be footed up.

**122. Newspaper extracts.**—All extracts from newspapers sent as inclosures must be neatly cut out and pasted upon cap paper corresponding in size with the dispatch, or, when that is not practicable, two copies of the newspaper should be sent. All newspapers containing matter referred to in a dispatch and not sent under the same cover with the dispatch should be addressed in care of the Bureau of Indexes, with an indorsement on the cover showing the number and date of the dispatch to which the matter therein contained refers.

**123. Translations.**—When inclosures are in a foreign language, exact copies of the originals are to be forwarded. Translations of these should also accompany the dispatches, unless, from pressing emergency, no time is allowed to make

them. In the case of vouchers for expenditures, the translation must be attached to each voucher. Translations are not required of books, pamphlets, or entire newspapers sent as inclosures.

**124. Indorsement of inclosures.**—Whenever it is mentioned in a dispatch that a paper is inclosed, an oblique line is to be made in the margin thus (/), and above such line is to be placed the number corresponding to the number of inclosures. All inclosures should be indorsed and numbered. The numbers and indorsements, especially on all accounts and returns, should show briefly but clearly what the inclosures are, and should correspond to the description required in the “List of inclosures” prescribed in paragraph 121. The vouchers of an account should not be set out in the “List of inclosures,” but the account only.

**125. Series of inclosures.**—Each series of inclosures is to be numbered anew in each dispatch, commencing with No. 1; and when there are more inclosures than one in a dispatch, each inclosure is to be numbered in the order in which it is to be read.

**126. Copies as inclosures.**—In transmitting copies of correspondence with dispatches, consuls are requested to use half sheets of paper in all cases where they will suffice to contain the text of the note to be copied. In making copies of correspondence the blank space on a page at the end of one communication should not be used to begin another. The copy of each communication should be on its own sheet, or, if brief, on its own half sheet. Copies should not be made on alternate pages unless intended as copy for the printer.

**127. Reference to previous subjects.**—When consuls write upon any subject upon which they have previously written, they will be careful to refer to the number of such previous dispatches, both by number and date.

**128. Folding and sealing.**—All dispatches are to be folded

like those sent from the Department of State. Gum, sealing wax, or wafers are not to be put upon the dispatches or the inclosures, but only on the envelopes which cover them. Paper envelopes should be used for all official communications which cross the ocean in a sealed pouch, and they should be sealed with mucilage alone, unless the communication must go in the open mail from the consulate where it is written to the place where it is put in the pouch; in which case wax or paper seals may be affixed to guard against possible opening of the envelope while in transit over the foreign mail route. In other cases cloth-lined envelopes and wax seals will be used when deemed necessary for the safe transmission of the inclosure.

**129. Address of dispatch.**—All communications to the Department of State should be in the form of dispatches addressed to the Assistant Secretary of State. Consular officers should not have recourse to private letters addressed to the Secretary of State or to other officers of the Department upon topics relating to the official business of their consulates. Where dispatches are regarded as especially of a reserved or secret nature they may be marked "Confidential." All envelopes covering consular dispatches should be addressed to the Department of State. (Form No. 8.)

**130. Dates of reports.**—Dispatches are never to be antedated; and when returns which are ordered to be transmitted "quarterly," "half-yearly," or "annually" can not be completed on the last day of the quarter, half-year, or year, as the case may be, for want of sufficient information on that date, or for any other reason, the consul will notify the proper Department thereof, and the returns will be made up to that date as soon as practicable thereafter.

**131. Special reports.**—Reports or returns ordered by special instructions are to be sent as inclosures in separate dispatches, each dispatch relating solely to the report or return as ordered

to be made by such instructions. The several quarterly reports prescribed by these regulations, of which a recapitulation is given in paragraph 587, should be transmitted in a single dispatch, not in separate dispatches. The quarterly account, however, with the Department of State should be sent in a separate dispatch.

**132. With whom may correspond on public matters.**—A consul will hold correspondence on public matters (independently of that which his official duties require him to conduct with the local authorities and individuals of the place where he resides, and officers or others employed in our commercial marine) with the Secretary and Assistant Secretaries of State, the Secretary of the Treasury, the Comptroller, the Auditor for the State and other Departments, the Register of the Treasury, collectors of customs as to invoices and prices current, the diplomatic representative of the United States in the country where he resides, other consular officers, and with naval or military officers in the service of the United States who may be employed in the neighborhood, and to whom it may be necessary to communicate immediately any event of public interest, and with no other persons. (Paragraph 591.)

**133. On private business matters.**—The prohibition of the foregoing paragraph does not apply to correspondence between a consular officer and citizens of the United States touching the private business matters of the latter. This class of correspondence is on the consul's side official, but is not on public matters. (Paragraph 459.)

**134. Correspondence with other Departments.**—With the exception of the correspondence with the Treasury Department respecting accounts, and such other correspondence as special provisions of law or these Regulations may require him to have with other Departments or officers, he will conduct no official correspondence with any other Department except

through the Department of State. This instruction is especially applicable to communications from subordinates of other Departments. Such communications should not be answered without first obtaining permission from the Department of State to do so.

**135. Printed matter.**—Printed matter should be transmitted under cover open at both ends, if sent through the regular mails.

**136. Receipt of instructions.**—The receipt of all instructions from the Department of State must be acknowledged by return mail.

## ARTICLE X.

### CITIZENS, PASSPORTS, AND PROTECTION.

#### CITIZENS.

**137. Native citizens.**—All persons born in the United States and subject to the jurisdiction thereof are citizens of the United States. The circumstance of birth within the United States makes one a citizen thereof, even if his parents were at the time aliens, provided they were not, by reason of diplomatic character or otherwise, exempted from the jurisdiction of its laws. Indians born within the territorial limits of the United States to whom allotments of land have been made by law or treaty, or who have voluntarily taken up a separate residence within its limits apart from any Indian tribe and have adopted the habits of civilized life, are citizens.—*U. S. Const. Amend. XIV.*; *R. S., sec. 1992*; *24 Stat. L., 388.*

**138. Children of citizens born abroad.**—All children born out of the limits and jurisdiction of the United States whose fathers were at the time of their birth citizens thereof are citizens of the United States; but the rights of citizenship do

not descend to children whose fathers never resided in the United States. That the citizenship of the father descends to the children born to him when abroad is a generally acknowledged principle of international law.—*R. S., sec. 1993.*

**139. Naturalized citizens.**—Naturalization is a judicial act, and a certificate of naturalization, in regular form, by any circuit or district court of the United States, or a district or supreme court of the Territories, or a court of record of any of the States having common-law jurisdiction and a seal and clerk, will be treated by consular officers as conclusive evidence of citizenship, except as herein otherwise provided.—*R. S., sec. 2165.*

**140. Chinese and other excepted races.**—The Statutes of the United States, with respect to naturalization, authorize the naturalization only of white persons, persons of African nativity or descent, and members of any Indian tribe or nation residing in the Indian Territory. Section 14 of the act of May 6, 1882, also specifically prohibits the naturalization of Chinese. The naturalization of Chinese and other Mongolians and of all persons not white, nor of African nativity or descent, nor an Indian as aforesaid is unauthorized and void, and consular officers will disregard their certificates of naturalization.—*R. S., sec. 2169; 22 Stat. L., 61, sec. 14; 26 Stat. L., 99, sec. 43; 5 Saw., 155; 16 Nev., 50, 61; 84 Cal., 163; 21 Pac. Rep., 993; 149 U. S., 716.*

**141. Wife of citizen.**—Any white woman, or woman of African nativity or descent, or Indian woman, married to a citizen of the United States is a citizen thereof; and it is immaterial whether the husband became a citizen before or after marriage.—*R. S., sec. 1994; 7 Wall., 496; 25 Stat. L., 392.*

**142. Children of naturalized citizens.**—The children of persons who have been duly naturalized under any law of the United States, being under the age of 21 years at the time of the naturalization of their parents, shall, if dwelling in the



United States, be considered as citizens thereof.—*R. S., sec. 2172; 6 Cranch, 176.*

**143. Declaration of intention.**—The declaration of intention to become a citizen of the United States does not make one a citizen, and the certificate of a court that such declaration has been made is not evidence of citizenship; but when any alien who has made the prescribed declaration dies before he is actually naturalized, the widow and children of such alien are considered as citizens of the United States upon taking the oaths prescribed by law.—*R. S., secs. 2165, 2168.*

**144. Expatriation.**—The right of expatriation is declared by section 1999 of the Revised Statutes, but the method by which a citizen may renounce his allegiance to the United States is not specifically provided by statute. It is, however, provided by treaties with certain countries (Appendix IV). Generally, for the purposes of this article, consular officers will not consider as citizens of the United States any who have voluntarily become naturalized or otherwise invested with citizenship in a foreign state.—*R. S., sec. 1999.*

**145. Deserters.**—All persons convicted by a court-martial or other court of competent jurisdiction of having deserted the military or naval service of the United States, and who did not return thereto or report themselves to a provost-marshal within sixty days after the issuance of the proclamation by the President dated the 11th day of March, 1865, and who have not been relieved therefrom by act of Congress or otherwise, are deemed to have voluntarily relinquished and forfeited their rights of citizenship.—*R. S., sec. 1996; 115 U. S., 501.*

#### PASSPORTS.

**146. Who may issue.**—Passports can be issued in the United States only by the Secretary of State. In foreign countries they may be issued, granted, and verified only by such diplomatic and consular officers of the United States and under

such rules as the President shall designate and prescribe; and no other person shall grant, issue, or verify any such passport.—*R. S., sec. 4075.*

**147. By diplomatic officers.**—Where a legation of the United States is established in any country, no person other than the diplomatic representative of the United States at such place shall be permitted to grant or issue any passport except in the absence therefrom of such representative.—*R. S., sec. 4075.*

**148. By consulates.**—No consulate-general, consulate, or commercial agency will issue passports, except those thereunto specifically authorized by the Department of State. Consular agencies are never so authorized.

**149. To citizens only.**—No passport shall be granted or issued to or verified for any persons other than citizens of the United States.—*R. S., sec. 4076.*

**150. When issuance discretionary.**—Ordinarily passports should be granted to native or naturalized citizens upon application and the prescribed proof of citizenship. If there is good reason to believe, however, in the case of a naturalized citizen, that his certificate of naturalization has been improperly granted, as for example, that the bearer, not being a seaman or not having served in the army (*R. S., secs. 2166, 2174*), did not reside within the United States for the continuous term of five years next preceding his naturalization (*R. S., sec. 2165*), the granting of a passport should be withheld pending the instructions of the Department of State. The granting of a passport should also be withheld pending the instructions of the Department where the applicant, whether native or naturalized, has resided without the United States for a long period of time under such circumstances as to warrant the inference that he has practically abandoned his country. In all such cases the facts should be fully reported to the Department for further instructions.

**151. Application.**—Native citizens applying for a passport must present their application, make an affidavit with respect to birth, take the oath of allegiance, and furnish an identification by a creditable person, all in duplicate, and according to Form No. 176. Naturalized citizens must comply with the same requirements, using Form No. 177, or, if claiming citizenship through the naturalization of husband or parent, using Form No. 178. A naturalized citizen must also exhibit his original certificate of naturalization, or that of the husband or parent through whom citizenship is claimed, or a duly certified copy thereof from the court granting the same. Further evidence of the applicant's citizenship may be required if deemed necessary. The identity of an applicant for a passport should always be established before a passport is issued, and the nature of the proof, whether documentary or by a witness or by the personal knowledge of someone connected with the consulate, should be stated on the application.

**152. Expiration of passport.**—A passport expires two years after the date of its issuance, and will not be renewed. A new passport may be issued upon a new application in accordance with the provisions of the previous paragraph.

**153. Old passport in lieu of naturalization certificate.**—In the case of a naturalized citizen, an old passport issued at the consulate to which the new application is made will be accepted in lieu of a naturalization certificate if the application upon which it was originally issued contains sufficient information as to the immigration, residence, and naturalization of the applicant. Such old passport should be retained and sent to the Department of State with the application in making the report required in paragraph 163.

**154. Prior passport by Secretary of State.**—When a person applies for a new passport before his old passport has expired, the latter, if issued by the Secretary of State, coupled with proof that the person in whose behalf it is presented is the

person named therein, may be taken within two years from its date as prima facie evidence of the citizenship of the applicant. Such passport should be retained and sent to the Department of State with the application in making the report required in paragraph 163.

**155. Oath.**—Consular officers are authorized to administer the required oath in an application for a passport. They must sign the jurat in their official capacity and affix the seal of the consulate thereto.

**156. Form and number.**—Passports issued by a consulate should be according to Form No. 9, and should be numbered, commencing with No. 1 and continuing consecutively until the end of the principal consular officer's term of office. Professional titles will not be inserted in passports.

**157. Wife, minor children, and servants.**—When the applicant for a passport is accompanied by his wife, minor children, or by a servant who is a citizen of the United States, it will be sufficient to state in the passport the names of such persons and their relationship to or connection with him. A separate passport must be issued for each person of full age not the wife or servant of another with whom he or she is traveling.

**158. To be signed by holder.**—Whenever a passport is issued upon an application made in person to a consulate, the consul will see that the same is signed by the person in whose favor it is issued before it is delivered. In sending a passport by mail he should be instructed to sign it upon receipt.

**159. Fees.**—An official fee equivalent to \$1 in the gold coin of the United States must be collected for each passport issued. An unofficial fee of 50 cents may be collected for filling out in duplicate an application for a passport, where the consular officer does that, and an unofficial fee of 50 cents for administering the oath in duplicate, and no larger fees in that behalf are permitted.—*R. S., sec. 1745.*

**160. Visa.**—A consular officer (including consular agents)

may visa or verify regularly issued passports by indorsing on the passport the word "Good," in the language of the country in which the visa is made, and affixing to the indorsement his official signature and seal. Diplomatic representatives should visa passports only when there is no consulate of the United States established in the city where the legation is situated, or when the consular officer is absent or the Government of the country refuses to acknowledge the validity of the consular visa. Whenever a passport without signature is presented to be visaed, the holder should be required to sign it before it is visaed the consular officer. An official fee equivalent to \$1 in the gold coin of the United States shall be collected for each passport visaed, except special and official passports, which shall be visaed free of charge. No visa shall be attached to a passport after two years from its date. A new passport may, however, be issued in its place, by the proper authority, upon the conditions hereinbefore provided.

**161. Good only in country where accredited.**—The visa, or verification, of a passport by a consular officer is designed to give it authenticity and ready acceptance in the country only in which he is accredited. The holder of a passport wishing to establish its genuineness and validity in any other locality should apply to a consul of the United States having recognized official character in that locality.

**162. Irregular certificates.**—Passports can be issued in the United States by the Secretary of State only, and in foreign countries by such diplomatic or consular officers of the United States only, and under such rules as the President shall designate and prescribe.—*R. S., sec. 4075.* All other persons acting or claiming to act in any office or capacity under the United States, or any of the States of the United States, are forbidden by the statutes, under a penalty of imprisonment not exceeding one year, or a fine not exceeding \$500, or both, to grant, issue, or verify any passport or other instrument in

the nature of a passport to or for any citizen of the United States, or to or for any person claiming to be or designated as such in such passport or verification.—*R. S.*, *sec. 4078*. Certificates of citizenship, therefore, issued by an unauthorized person, should not be recognized nor visaed.

**163. Return of passports.**—At the close of each quarter consulates having authority to grant passports will make a report to the Department of State of all passports issued during the quarter. One copy of every application, including the oath of allegiance and identification upon which a passport has been issued, must be transmitted with the report. The report should be made according to Form No. 121, and should state, with respect to each passport, (1) date of issuance; (2) person to whom issued, placing the surname before the Christian name; (3) number of passport; (4) evidence on which the passport was issued; (5) fee received.

**164. Return of passports visaed.**—At the close of each quarter all consulates will make a report to the Department of State of all passports visaed or verified during the quarter. This report should be made according to Form No. 122, and should state, with respect to each passport, (1) by whom it was issued; (2) date of issuance; (3) number of passport; (4) person to whom issued, placing the surname before the Christian name; (5) date of visa; (6) prior visas thereon, dates thereof, and by whom made; (7) any further explanation required.

**165. Certificates of deposit of passports.**—Certificates in the nature of passports and to be used as such are forbidden. In countries, however, where the local laws or regulations require the deposit of a passport during the temporary sojourn of a traveler a consular certificate setting forth the facts as appearing from the passport may be granted; but only to comply with the requirements of the local law or regulation. Such certificates should be according to Form No. 179, unless the law of the country prescribes a different form, in

which case the consul will transmit a copy of such form to the Department of State.

**166. China.**—In China applications for passports should be addressed to the legation in the form herein required, but the applicant should give his full Christian name and surname in both the English and the Chinese languages. Where the application can not be sworn to before a consul, and no notary or other officer authorized to administer oaths is accessible to the applicant, he may transmit the application accompanied by a certificate signed by himself and two witnesses, according to Form No. 180.

**167. Chinese travel certificates.**—In China consuls may issue travel certificates according to Form No. 181 to persons who possess passports as citizens of the United States and are about to make a journey into the interior of China, when such certificates are required by the local authorities, such certificates to be good for one year from their date. They may likewise issue travel certificates according to Form No. 182 to persons who have made a formal application for passports as citizens of the United States; but such certificates should be issued only when the party desires to start on his journey before his passport can be received from the legation, and must be expressed to be good only for the journey for which it is sought. And its validity for such journey shall not be of greater duration than one year. If the application for a passport in such case is refused upon the ground that the applicant is not a citizen of the United States, it becomes the duty of the consul who issued the certificate to notify the person to whom it was issued and the proper Chinese authorities that the travel certificate is no longer valid.

#### PROTECTION.

**168. Naturalized citizens.**—All naturalized citizens of the United States while in foreign countries are entitled to and

shall receive the same protection of person and property which is accorded to native-born citizens.—*R. S. sec. 2000.* The United States have treaties, however, with several countries regulating and controlling the status of naturalized citizens of the United States on their return to their native land. The treaties may be found in Appendix IV, and in so far as they modify the foregoing they are controlling.

**169. Circumstances under which withheld.**—Ordinarily, citizens of the United States, whether native or naturalized, subject to the provisions of the foregoing paragraph are entitled to the protection and intervention of diplomatic and consular officers in proper cases. The right of a citizen, however, to claim protection is founded upon the correlative right of this Government to claim his allegiance and support. Where a citizen, therefore, has resided abroad for a long period of time under such circumstances as to warrant the inference that he has practically abandoned his country, consuls may withhold their intervention pending the instructions of the legation or of the Department of State.

**170. Intervention.**—When a consul is satisfied that an applicant for protection has a right to his intervention, he should interest himself in his behalf, examining carefully into his grievances. If he finds that the complaints are well founded, he should interpose firmly, but with courtesy and moderation, with the local authorities in his behalf and report the case to the legation for its further action, if any be required.

**171. Duties toward American citizens.**—The powers and duties of consular officers in regard to their fellow-citizens depend in a great measure upon the municipal law of the United States. No civil jurisdiction can be exercised by them over their countrymen without express authority of law, or by treaty stipulation with the state in which they reside; and no criminal jurisdiction is permitted to them in Christian states.



They are particularly cautioned not to enter into any contentions that can be avoided, either with their countrymen or with the subjects or authorities of the country. They should use every endeavor to settle in an amicable manner all disputes in which their countrymen may be concerned, but they should take no part in litigation between citizens. They should countenance and protect them before the authorities of the country in all cases in which they may be injured or oppressed, but their efforts should not be extended to those who have been willfully guilty of an infraction of the local laws. It is incumbent upon citizens of the United States to observe the reasonable laws of the country where they may be. It is their duty to endeavor on all occasions to maintain and promote all the rightful interests of citizens, and to protect them in all privileges that are provided for by treaty or are conceded by usage. If representations are made to the local authorities and fail to secure the proper redress, the case should be reported to the consul-general, if there be one, or to the diplomatic representative, if there be no consul-general, and to the Department of State.

**172. Register of American citizens.**—It is desirable, for many reasons, that principal consular officers should keep at their offices a register of all American citizens residing within their several districts. There is no authority under which registration can be made compulsory, but the obvious advantages to persons who may at any time need the services of a consular officer will suggest themselves. Consuls, therefore, will take care to make known that a register is kept, and invite all resident Americans to enter their names. The same general principles govern applications for registry that apply to applications for passports. (Paragraph 151.) No form of register is now prescribed, but it should show, as to native citizens, the date and place of birth and last residence in the United

States, and, as to naturalized citizens, also the date of naturalization and the court by which the certificate of naturalization was granted. The register is, however, not intended to include the names of travelers or transient sojourners, but only those of such citizens as may have domiciled themselves in the district or are, for whatever reason, residing therein. No fee will be charged for registration, nor for any service connected with it.

**173. Eastern countries.**—In Eastern countries, and especially in the Turkish dominions, protection, in accordance with local custom, may be given to aliens actually in discharge of official duties under the direction of consular officers or employed in their domestic service. Where consular protection is regulated by treaty, it must conform strictly to the provisions of the treaty. No instrument in the nature of a passport should be issued to aliens thus protected, but when necessary a certificate may be given setting forth their relation and duties in connection with the consulate. Consuls will report to the Department of State on the 1st of January and July of each year the names and occupations of all aliens to whom, during the six months preceding, such protection may have been given, or by whom it may have been claimed.

**174. Protection of foreign subjects in certain cases.**—Requests have occasionally been made upon the Government of the United States to permit its diplomatic and consular officers to extend their protection to citizens or subjects of a foreign government who may desire it and who may be sojourning at places where there are no diplomatic or consular representatives of that government. This Government has from time to time, upon the request of friendly powers, given to its diplomatic and consular officers authority to take upon themselves, with the consent of the government within whose jurisdiction they reside, the function of representing those powers at places where the latter had no such officers. It

has understood this authority to be restricted simply to the granting of the services and good offices of our representatives, with their own consent, to meet what has ordinarily been a fortuitous and temporary exigency of the friendly government. When this function is accepted—which must be done only with the approval of the Department of State—the diplomatic or consular officer becomes the agent of the foreign government as to the duties he may perform for its citizens or subjects. He becomes responsible to it for his discharge of those duties, and that government alone is responsible for his acts in relation thereto. He does not, however, for this purpose, become a diplomatic or consular officer of the foreign government. (Paragraph 453.)

#### ARTICLE XI.

##### MERCHANT VESSELS.

**175. Deposit of ship's papers.**—The Revised Statutes, under a penalty of \$500, require every master of a vessel belonging to citizens of the United States, who shall sail from any port of the United States, on his arrival at a foreign port, to deposit his register and also his sea letter and Mediterranean passport, if he have any, with the consular officer of the United States, if there be one at such port.—*R. S., secs. 4309, 4310.* It is usual also to deposit with the consular officer the crew list and shipping articles, and these documents, together with the register, are generally described as the “ship's papers.” This provision of the statute applies to registered vessels only, *i. e.*, to those engaged in commerce between the United States and foreign countries, and does not apply to enrolled or licensed vessels, to which class belong whaling and other fishing vessels.—*21 Op. Att. Gen., 190.* Sometimes there is a provision of treaty requiring the deposit of ship's papers by all American vessels, whether

registered or not. In such cases masters must comply with the provisions of the treaty.

**176. Registry and flag evidence of nationality.**—The certificate of registry of a vessel under the laws of the United States and proof that she carries an American flag are competent evidence and prima facie sufficient to establish her nationality without direct proof of the citizenship of her owners.—*154 U. S., 151.*

**177. Arrival.**—An “arrival” within the intent of the law means an arrival for purposes of business requiring an entry and clearance at the custom-house of the foreign port. If the vessel enters the foreign port conformably to the local law or usage, her coming amounts to an arrival, independently of any ulterior destination, or the time she may remain or intend to remain, or of the particular business to be transacted there.—*4 Op. Att. Gen., 390; 9 Id., 256; 11 Id., 72.*

A vessel putting into a foreign port to get information only, and not entering, or breaking bulk, or discharging seamen, or requiring new seamen, or needing the aid of the consular officer in any respect, can not be said to make an arrival at that port within the meaning of the law. Vessels driven into a port are not required to deposit their papers with the consular officer, unless formal entry be afterwards made or consular services required.—*9 How., 372.*

An arrival at a foreign port from another foreign port, in the course of the voyage, is an arrival within the meaning of the law.—*9 Fed. Rep., 159.*

**178. Refusal of master to deposit papers.**—It is the duty of a consular officer, on the arrival of an American vessel, should the master neglect to deliver his ship's papers, as he is directed by law, to inform him of the necessity of so doing by showing him the law that requires it and apprising him of the penalty he will incur by refusal or neglect.—*R. S., sec. 4310.* If he fail to comply, a certificate of the fact, under the

consular seal (Form No. 12), must be immediately sent to the Department of State, giving the name and a description of the vessel, the port to which she belongs, where bound, and the usual residence of the master. In such case, it is desirable that the consular officer should send some other evidence of the arrival and departure of the delinquent master with his vessel besides that of his own certificate, as it has been held that such evidence of any fact is not sufficient, unless expressly or impliedly made so by statute. The suit to recover the penalty is conducted in the name of the consul for the benefit of the United States, but under the direction of the Attorney-General. The consul's duty with respect thereto consists only in furnishing the evidence.

**179. Papers to be safely kept.**—When the ship's papers are received, they are to be kept together in as safe a place as possible, to guard against fire and other accidents; and the consular officer, on receiving such papers, shall give a certificate of the fact (Form No. 13), or a receipt under seal, and make an entry in his consular record, specifying the time of delivery, the name of the vessel, the master, and the character of the papers deposited.

**180. When consul may return papers.**—Whenever the master shall produce the clearance of his vessel from the proper officer of the port, and shall comply with the provisions of law relating to the discharge of seamen in a foreign country, and shall pay to the consular officer the arrears of wages and the extra wages that may be due for every seaman discharged at his port, and such fees as are collectible, under the law and these Regulations, and shall pay all other demands, on account of the vessel, of which cognizance is given to consul, then he shall be entitled to the return of all the ship's papers deposited with the consular officer. On return of certificate, as in Form No. 13, there should be given with the papers a new certificate (Form No. 14). Until all these provisions of

law are complied with, the consular officer should retain the papers, although the clearance may be regular and in due form. He has no authority to withhold a ship's papers to compel payment of the demands of creditors against the vessel.—*R. S.*, secs. 1718, 4309; 9 *Op. Att. Gen.*, 384. (Paragraph 225.)

**181. When master sails without papers.**—When a master sails from a port, leaving, from whatever cause, the ship's papers in the hands of the consular officer, it is the duty of the consular officer to transmit them without delay to the Department of State, together with a full statement of the facts and circumstances under which he retained them.

**182. Consular fees.**—Whenever any master or commander of a vessel of the United States has occasion for any consular or other official service which any consular officer of the United States shall be authorized by law or usage officially to perform, and for which any fees are allowed by the rates or tariffs of fees, he shall apply to the consular officer at the consulate or commercial agency where such service is required to perform such service; but no vessel's fees shall be collected by consular officers from such a vessel.—*R. S.*, sec. 1718; 23 *Stat. L.*, 56, sec. 12. The masters of foreign-built vessels, wholly owned by citizens of the United States, shall pay to such consular officer the fees lawfully chargeable for such service, who shall account for the said fees to the Treasury as official, excepting such as he may collect for shipping and discharging seamen who are not American seamen within the meaning of the law.—18 *Op. Att. Gen.*, 234.

**183. Written statement of services.**—It is the duty of all masters of vessels for whom any official service shall be performed by any consular officer, without the payment of a fee, to require a written statement (Form No. 167) of such services from such consular officer, and, after certifying as to whether such statement is correct, to furnish it to the collector of the

district in which such vessels shall first arrive on their return to the United States; and if any such master of a vessel shall fail to furnish such statement, he shall be liable to a fine not exceeding \$50, unless he shall state, under oath, that no such statement was furnished him by the consular officer. (Paragraph 523.) When, however, the consular officer who performs the services is one who receives a fixed salary, the above requirement of a written statement of services to be given the master is waived, except in cases where official fees or charges, or extra wages or arrears of wages of seamen, are actually collected, in which cases the receipts for the moneys are to be received by the masters and delivered to the collector, as provided.—*R. S.*, sec. 4213; *23 Stat. L.*, 53, sec. 13.

**184. Masters to receive bullion, but not the mails.**—It is made the duty of all vessels belonging to citizens of the United States, and bound from a foreign port to a port in the United States, before clearance, to receive on board all such bullion, coin, United States notes and bonds, and other securities as any minister, consul, vice-consul, or commercial or other agent of the United States abroad shall offer, and to securely convey and promptly deliver the same to the proper authorities or consignees on arriving at the port of destination. For such service they shall receive such reasonable compensation as may be allowed to other carriers in the ordinary transactions of business. But American vessels are not obliged to carry the mails to and from the United States unless under contract so to do.—*R. S.*, sec. 4204; *23 Stat. L.*, 58, sec. 23.

**185. Manifests required of all vessels.**—The statutes regulating the collection of duties on imports and tonnage and relating to manifests apply as well to vessels owned in whole or in part by foreigners as to vessels of the United States, and consular officers are therefore instructed to inform the masters of all vessels leaving their ports for the United States that they are

required to produce manifests in accordance with the provisions of law regulating the collection of duties on imports and tonnage.

**186. Protests.**—Consular officers have the right, in the ports or places to which they are appointed, to receive the protests or declarations which such captains, masters, crews, passengers, and merchants as are citizens of the United States may respectively choose to make there, and also such as any foreigner may choose to make before them relative to the personal interest of any citizens of the United States; and copies of such acts, duly authenticated by the consular officer under his official seal, are to receive faith in law equally as their originals would in all courts of the United States. The nature of these instruments will depend in each case upon the particular facts to be protested against.—*R. S., sec. 1707.* (Forms Nos. 37, 38, and 39.)

**187. Charts and notices to mariners.**—Consular officers are required to keep the pilot charts and all notices to mariners published by the hydrographic officer of the Navy Department—and which are regularly forwarded to them—in conspicuous positions, to call the attention of shipmasters thereto, and to afford masters of vessels every facility for their examination. They will also inform captains that branches of the above-mentioned office have been established in the maritime exchanges of the principal seaboard cities, where (free of charge) all the information collected by said officer may be obtained, and where shipmasters are requested to call and report any information which will be of benefit to the maritime community at large. They are also required to forward without delay to the Department of State any information they may obtain which can possibly be utilized for the benefit of the seafarer and to decrease the dangers of navigation.

**188. Miscellaneous duties and forms.**—It has been customary to give to the consular officers a variety of forms to aid them



in their business intercourse with masters and seamen which sufficiently explain themselves without the necessity of instructions. For declaration of a master in case of death or loss of a mariner, see Form No. 74; of same to correctness of log book, see Form No. 75; of same to ship's bills for repairs, see Form No. 76; for certificate in case of deviation of voyage, see Form No. 77; for certificate of ownership of a vessel, see Form No. 78; for crew list when required by port authorities, see Form No. 79; for order to pay seamen's wages at home, see Form No. 80; for master's acknowledgment to the same, see Form No. 81; for certificate of shipment of seamen, see Form No. 82; for master's agreement to increase wages, see Form No. 83, and for form to be used when shipwrecked seamen are picked up at sea and conveyed to any port, see Form No. 84. For form of an average bond, see Form No. 160. Forms for the authentication of signatures and certificate that an officer is qualified to administer oaths are given in Forms Nos. 88 and 89. (Paragraphs 335 and 464.)

## ARTICLE XII.

### SHIPMENT OF SEAMEN.

**189. Seamen to be engaged in presence of consul.**—Every master of an American merchant vessel who engages any seaman at a place out of the United States in which there is a consular officer is required by law to engage the seaman in his presence and procure his sanction before carrying the seaman to sea.—*R. S., sec. 4517.*

The agreement is to be made as shown in Form No. 15, and must be signed in duplicate by the master before any seaman signs. Each seaman must sign in duplicate in presence of the consular officer, and such officer shall indorse upon the agreement his sanction thereof and attestation to the effect that the same has been signed in his presence and

made as required by law.—*R. S.*, *sec. 4517*. (Form No. 16; paragraph 196.)

**190. Seamen must understand contract.**—Consular officers will be particular to see that the engagements of seamen are signed in their presence by the seamen, or in the presence of some duly authorized employee of the consulate, and that the terms and conditions of engagement are clearly understood by them. This injunction should be carefully observed in view of the grave abuses that have arisen from the shipping of seamen by unauthorized shipping agents, and from a lack of knowledge on the part of the seamen of the terms of contract or of the kind of service for which they were engaged. A seaman is not bound by a clause in the contract which was not read or explained to him.—*R. S.*, *secs. 1736, 4517; 15 Fed. Rep., 621; 38 Fed. Rep., 258*.

**191. Rules as to shipment.**—The rules governing the engagement of seamen before a shipping commissioner in the United States, as laid down in Title LIII of the Revised Statutes, apply also to such engagements made before a consular officer.—*R. S.*, *sec. 4517*.

Every master who engages a seaman in any place in which there is a consular officer otherwise than in his presence and with his sanction incurs a penalty of not more than \$100, for which penalty the vessel is liable.—*R. S.*, *sec. 4518*.

The shipment of a seaman under such circumstances is void; such seaman may leave the service at any time, and is entitled to recover the highest rate of wages at the port of shipment, or the sum agreed to be given him at his shipment.—*R. S.*, *sec. 4523*. This statute is not applicable to contracts whereby fishermen ship for shares in the catch.—*25 Fed. Rep., 856*.

**192. In case of loss by desertion.**—In case of loss by desertion or casualty, the master may ship a number of seamen equal

to the number so lost, and report the same to the consul of the United States at the first port at which he shall arrive. The seamen must then be formally engaged and entered on the shipping articles.—*R. S., sec. 4516.*

**193. Seamen may be hired in foreign port.**—Every master of a vessel in the foreign trade may engage any seaman at any port out of the United States, in the manner provided by law, to serve for one or more round trips from and to the port of departure, or for a definite time, whatever the destination; and the master of a vessel clearing from a port of the United States with one or more seamen so engaged in a foreign port is not required to reship such seamen in a port of the United States, nor to give bond, as required by section 4576 of the Revised Statutes, to produce such seamen before a boarding officer on the return of said vessel to the United States. And the master of a vessel in the foreign trade may engage a seaman at any port in the United States, in the manner provided by law, to serve on a voyage to any port, or for the round trip from and to the port of departure, or for a definite time, whatever the destination. So, too, the master of a vessel making regular and stated trips between the United States and a foreign country may engage a seaman for one or more round trips, or for a definite time, or on the return of said vessel to the United States may reship such seaman for another voyage in the same vessel, in the manner provided by law, without the payment of additional fees to any officer for such reshipment or reengagement. It will thus be seen that a master has full power to ship his crew, or any part of it, “by the run,” or for a given port or time, or for a round trip, and such shipments may be made either in foreign or domestic ports.—*23 Stat. L., 58., secs. 19 and 20.* (Paragraph 205.)

**194. Shipping articles.**—The shipping articles are deemed to

contain all the conditions of the contract with the crew as to service, pay, voyage, and all other things, and must be produced by the master to any consular officer whenever the latter may think them necessary to the discharge of his duties toward any seaman who may require his assistance, or for any other proper purpose connected with his duties to the vessel or crew. The shipping articles, the evidence of the seaman's contract, are construed with great liberality, and most favorably to the seaman. A seaman may show by parol that untrue statements were made to induce him to sign, and that the voyage and time of service described in the articles were different from the voyage and time of service described to him before he signed. All interlineations, erasures, or writing in a hand different from that in which such duplicates were originally made are presumed to be fraudulent alterations, unless satisfactorily explained or unless they are immaterial.—*R. S.*, sec. 4575; *Olcott*, 232; *1 Blatch. & H.*, 83; *2 Curtis*, 317; *20 Fed. Rep.* 654. (Paragraphs 190, 241.)

Shipping articles can not lawfully provide for forfeiture of wages in excess of that provided by statute.—*27 Fed. Rep.*, 567.

**195. Vessels purchased abroad.**—In the case of American or foreign built vessels purchased abroad and wholly owned by American citizens, the crews are usually made up of men who are not American citizens and who have not acquired the character of American seamen under the law as set forth in paragraph 199. Seamen of this class, when not serving under a contract made in the United States, are not regarded as within the jurisdiction of a consular officer as to their shipment or discharge. But seamen engaging on such vessels who are American citizens, and foreigners who have acquired and maintained the character of American seamen, are to be shipped and discharged before the consular officer in the same manner as seamen on regularly documented vessels.

**196. New shipping articles.**—Consular officers will be careful

to enter the shipment of seamen on the original articles until the space is exhausted; and whenever it becomes necessary to use additional articles, they should firmly attach them to the original articles in such a manner, either as prescribed for the attachment of the consular certificate to an invoice or otherwise, that the new articles can not be separated from the original without discovery or mutilation.

**197. Certificate for cancellation of crew bond.**—When it is necessary to grant new articles to a vessel, the crew of which was named in articles given at a port of the United States, the consular officer shall transmit to the collector of customs at the port whence the vessel cleared a certificate for cancellation of crew bond as provided for by section 4576 of the Revised Statutes, under his hand and seal, specifying the seamen to whose discharge he consented, and also those who may have died, absconded, or been forcibly impressed into other service. (Form No. 21; paragraph 205.)

**198. Shipping agents.**—No undue facilities are to be granted to favored shipping masters to the exclusion of others of equal respectability. The selection of an agent to obtain seamen for shipment belongs to the master of the vessel, and in the absence of controlling local regulation he is at liberty to employ any person he may see fit. The consular officer has no authority to interfere, nor to confer upon any shipping agent privileges which are not conceded to others. He is also without authority to designate such an agent as specially employed by the consulate, or to permit an agent to use a title, as “American shipping agent,” or “United States shipping agent,” indicative of a special relation to the consulate. Though it is expected that a consular officer will inform himself as to the character of such agents, and will, on the request of a master, recommend such as he believes to be efficient and trustworthy, he is forbidden to insist upon the employment of any particular agent. Any authenticated

instance of such partiality or favoritism which shall be reported to the Department of State will incur its marked disapproval.

### ARTICLE XIII.

#### DISCHARGE OF SEAMEN.

**199. American seamen defined.**—The following are to be regarded as American seamen within the meaning of the laws relating to the discharge, wages, and extra wages of seamen, viz:

1. Seamen, being citizens of the United States, regularly shipped in an American vessel, whether in a port of the United States or in a foreign port.

2. Foreigners regularly shipped in an American vessel in a port of the United States.

3. Seamen, being foreigners by birth, regularly shipped in an American vessel, whether in a port of the United States or a foreign port, who have declared their intention in a competent court to become citizens of the United States, and have served three years thereafter on American merchant vessels. For all purposes, however, of protection, such seamen are to be deemed American citizens after filing in a competent court a declaration of intention to become such citizens.—*R. S., sec. 2174.* It is the duty of consular officers to satisfy themselves that seamen claiming relief under this statute have complied with its provisions; if not so satisfied, they will be authorized to treat them as foreigners in this respect.

**200. Definition of terms.**—For the purposes of these Regulations the terms “American seamen” and “Seamen or mariners of the United States” are synonymous, as are also the terms “American vessel” and “Vessel of the United States.” The principles which are maintained by this Government in regard to the protection, as distinguished from the relief, of

seamen are well settled. It is held that the circumstance that the vessel is American is evidence that the seamen on board are also American, and that in every regularly documented merchant vessel the crew will find their protection in the flag that covers them.—*140 U. S.*, 453.

**201. Prima facie evidence of citizenship.**—The shipment of a seaman in a port of the United States as an American citizen is to be held prima facie evidence that the seaman is by birth or naturalization a citizen; and when the nationality of the crew does not appear from the crew list, it will be presumed that they are citizens of the United States.—*10 C. Cls. R.*, 454.

**202. Seamen on fishing vessels.**—American seamen, as above defined, engaged on fishing vessels are to be regarded in the same relation as seamen on other vessels to the laws in respect to discharge, wages, extra wages, relief, and transportation.

**203. Master is a seaman.**—A master of an American vessel is a mariner, or seaman, within the intent of the laws relating to discharge, wages, extra wages, relief, and transportation.—*11 Op. Att. Gen.*, 458; *3 Sumn.*, 209. In case of destitution abroad, he is entitled to the same relief as other seamen, and he may be sent to the United States at the public expense. There is no authority, however, for incurring greater expense for his maintenance, clothing, or transportation than is allowed for other seamen; and in no case may a consular officer advance money to a master or other seaman to be reimbursed by the Government.

**204. Crew defined.**—The following persons of a ship's company are to be deemed seamen, or mariners, in addition to the officers and the crew immediately concerned in the navigation of the vessel, viz: The surgeon, the purser, the cook, the steward or stewardess, the cabin boy, an apprentice, the carpenter, the cooper on board whaling or other fishing vessels, and the engineers, pilots, and firemen of steam vessels.—*Curtis on Seamen*, 5.

**205. Bond for return of seamen.**—It is required by law of the master of every vessel bound on a foreign voyage, or engaged in the whale fishery, to enter into a bond in the sum of \$400 that he will exhibit the certified copy of the crew list to the first boarding officer at the first port in the United States at which he shall arrive on his return, and also produce the persons named therein. But the bond is not forfeited on account of the master not producing any of the persons contained in the list who may be discharged in a foreign country with the consent of a consular officer, certified in writing, under his hand and official seal, to be produced to the collector, with the other persons composing the crew; nor on account of any such persons dying or absconding or being forcibly impressed into other service, of which satisfactory proof shall be then also exhibited to the collector. He can not lawfully discharge a seaman in a foreign port without the intervention of the consular officer; and it is not material in such case that the discharge is made with the seaman's consent, or that he has misconducted himself, or is not a citizen of the United States.—*R. S.*, sec. 4576; 7 *Op. Att. Gen.*, 349; 1 *Low.*, 107; *Taney's Dec.*, 24. (Paragraph 193.)

**206. Authority to discharge.**—A consular officer is authorized by statute to discharge a seaman, upon his own application or upon that of the master, if it appears to such officer that the seaman has completed his shipping agreement, or is entitled to his discharge under any act of Congress or according to the general principles or usages of maritime law as recognized in the United States.—*R. S.*, sec. 4580; 23 *Stat. L.*, 54, sec. 2.

**207. Cases in which seamen are discharged.**—The usual cases in which American seamen are discharged in a foreign port by consular officers, under the provisions of statute and the principles of maritime law, may be stated as follows:

1. For misconduct of the seaman.—36 *Fed. Rep.*, 442.



2. On the sale of an American vessel abroad.—*R. S.*, sec. 4582.
3. When the seaman has completed his shipping agreement.—*R. S.*, sec. 4580; *23 Stat. L.*, 54, sec. 2.
4. Upon the complaint of a seaman that the voyage is continued contrary to agreement, and the consular officer is satisfied that the voyage has been designedly and unnecessarily prolonged in violation of the articles of shipment.—*R. S.*, sec. 4583; *23 Stat. L.*, 54, sec. 3.
5. When the desertion of a seaman has been caused by unusual or cruel treatment.—*R. S.*, sec. 4600; *25 Stat. L.*, 55, sec. 6.
6. After a report by inspectors that the vessel was sent to sea unsuitably provided in any important or essential particular, by neglect or design, and the consular officer approves such finding, and the crew, or any of them, request their discharge.—*R. S.*, sec. 4561; *23 Stat. L.*, 54, sec. 4.
7. In consequence of the sickness of the seaman and inability to perform his duties, or in consequence of any hurt or injury received in the service of the vessel.—*R. S.*, sec. 4583.
8. By mutual consent of master and seaman.
9. When the seaman is arrested and awaits trial for an offense against local laws abroad, or is imprisoned for such an offense, or is held as a witness. When, also, he is sent to the United States as a prisoner or witness.
10. When one seaman is exchanged for another, or when he is transferred to another vessel in a foreign port, or when he is promoted to be an officer of the vessel, or when an officer is disrated to the grade of seaman, and the rule applies equally to the disrating of any member of the crew.—*9 Fed. Rep.*, 222.
11. When the vessel is wrecked or stranded, or condemned as unfit for service.
12. When the master is superseded by the majority owners

and a new master appointed, or where he is removed by the consular officer. This clause does not refer to the crew, who are not entitled to be discharged when the master is thus superseded or removed.—*R. S.*, *sec. 4250*. (Paragraph 216.)

**208. Where defects are accidental.**—Where, upon the report by inspectors, in pursuance of section 4561, of the Revised Statutes, the defects or deficiencies found to exist have been the result of mistake or accident, and could not, in the exercise of ordinary care, have been known and provided against before the sailing of the vessel, and the master shall, in a reasonable time, remove or remedy the causes of complaint, the crew shall then remain and discharge their duty.—*23 Stat. L.*, *54, sec. 4*.

**209. Certificate of discharge.**—When a seaman is discharged in a foreign port, it is the duty of the consular officer to attach a certificate thereof both to the crew list and shipping articles, and also to cause a certificate to be given to the seaman. (Forms Nos. 17 and 18.) The certificate of discharge is only prima facie evidence of the facts stated therein; the illegality of the discharge may be shown in rebuttal of the consular certificate.—*36 Fed. Rep.*, *442*. The rules respecting the settlement of wages on the discharge of a seaman are to be found in section 4552 of the Revised Statutes and in paragraph 231 post.—*R. S.*, *secs. 4551, 4576*.

**210. Desertion from cruel treatment.**—When a consular officer discharges a seaman in case of desertion caused by unusual or cruel treatment, he must enter upon the crew list and shipping articles the cause of discharge, and the particulars in which the cruelty or unusual treatment consisted, and the facts as to his discharge or reengagement, as the case may be, and subscribe his name thereto officially.—*23 Stat. 54, sec. 6*. (Paragraphs 300, 302.)

**211. Discharge for cruel treatment, though no desertion.**—The like power and duty devolve upon consular officers when

seamen who have not deserted complain of unusual and cruel treatment, as well as in all cases of such treatment, by whomsoever the case is brought before the consul.

The statute is not limited to cases in which deserters are apprehended. Their rights do not depend upon the desertion, but on the treatment. Otherwise, the master, by forcing the crew from the ship without permitting them to see the consul, and then refusing to apprehend them, might rob them of their wages by treating them as deserters not worthy of being reclaimed.—*2 Low.*, 81.

**212. Discharge without consent of seaman.**—It is the general policy of the laws of the United States to discountenance the discharge of seamen in a foreign port.—*1 Cliff.*, 145; *3 Saw.*, 350. When the application for the discharge of a seaman is made by the master, it is the duty of the consular officer to inquire carefully into the facts and circumstances, and to satisfy himself that good and substantial reasons exist for a discharge before granting the application.—*59 Fed. Rep.*, 790. A seaman is not to be discharged for slight or venial offenses, nor for a single offense, unless of a very aggravated character.—*1 Ware*, 58; *22 Fed. Rep.*, 927; *63 Id.*, 1018. If the seaman is charged with insubordination, it should satisfactorily appear that he is incorrigibly disobedient and will not submit to his duty, and that he persists in such conduct. Gross dishonesty, habitual drunkenness, and a disposition to instigate broils and quarrels to the destruction of the discipline of the crew have been held to be sufficient ground for discharge.—*5 Ben.*, 315, 320; *36 Fed. Rep.*, 442. But it is otherwise if the offense is temporary, and if the offender is repentant and is willing to amend and return to duty.

**213. Grounds of discharge.**—Generally, the grounds on which a seaman may be discharged, when insubordination or bad conduct is alleged, are such as amount to a disqualification and show him to be an unsafe or unfit man to have on board

a vessel.—*2 Ware, 270.* The consular officer must be satisfied that the officer or seaman is either absolutely incompetent to perform the work he has contracted to do; that he has been guilty of such acts of insubordination as to make him dangerous to a man of ordinary firmness; or that his habitual misconduct (such as drunkenness, for instance) amounts to unfitness for duty, or, if an officer, that he has been guilty of habitual cruelty. Except for good reasons and in extraordinary circumstances, seamen should not be discharged at a foreign port when the vessel is homeward bound.

**214. Change of master.**—The statute provides that any person or body corporate having more than one-half ownership of any vessel shall have the same power to remove a master, who is also part owner of such vessel, as such majority owners have to remove a master not an owner. This provision does not apply where there is a valid written agreement subsisting, by virtue of which the master would be entitled to possession, nor in any case where a master has possession as part owner obtained before April 9, 1872.—*R. S., sec. 4250.*

**215. Consul to act with caution.**—Consular officers are occasionally called upon to assist in the removal of a master under this statute. They will not hesitate to lend their services under such circumstances, but it is desirable for their own protection that they should satisfy themselves that the parties applying to them are duly authorized for the purpose. It is advisable, also, if there is time to do so, to refer the case to the Department of State for instructions.

**216. Removal of master.**—Cases have occurred in which consular officers have, with the subsequent approval of the Department of State, removed masters of vessels and appointed others in their places to complete the voyage. The exercise of this extreme power has been deemed to be justified by the gross incompetency of the master, endangering the lives of the passengers and crew, his misconduct or collusion with

others to the serious injury of the owners or insurers, or when he has been guilty of flagrant tyranny toward the passengers or crew. In other instances the insanity or permanently disabling illness of the master has called for his removal. The gravity of the proceedings will suggest to the consular officer that they should be taken only after careful deliberation and for good and sufficient cause, and that they should be promptly and fully reported to the Department. For a form of oath and certificate on the appointment of a new master, see Form No. 19.

**217. Abandonment of seamen.**—It is provided by statute that every master or commander of any vessel belonging in whole or part to any citizen of the United States, who, during his being abroad, maliciously and without justifiable cause, forces any officer or mariner of such vessel on shore in order to leave him behind in any foreign port or place, or refuses to bring home again all such officers and mariners of such vessel whom he carried out with him as are in a condition to return and willing to return when he is ready to proceed on his homeward voyage, shall be punished by a fine of not more than \$500, or by imprisonment not more than six months.—*R. S., sec. 5363.*

#### ARTICLE XIV.

##### WAGES, EXTRA WAGES, AND EFFECTS OF SEAMEN.

###### GENERAL PROVISIONS.

**218. Consular officer to collect wages.**—If any consular officer, when discharging any seaman, shall neglect to require the payment of and collect the arrears of wages and extra wages required to be paid in the case of the discharge of any seaman, he shall be accountable to the United States for the full amount thereof. If any seaman, after his discharge, shall have incurred any expense for board or other necessities, or for reasonable charges for medical care and nursing,

at the place of his discharge, before shipping again, or for transportation to the United States, such expense shall be paid out of the arrears of wages and extra wages received by the consular officer, which shall be retained for that purpose, and the balance only paid over to such seaman; and if such arrears and extra wages are not sufficient to defray such expense, the deficiency shall be paid from the fund in the Treasury for the maintenance and transportation of destitute American seamen.—*R. S.*, *sec. 4581*; *23 Stat. L.*, *55, sec. 7*; *25 Stat. L.*, *80, sec. 3*.

**219. Wages payable in gold.**—The moneys paid under the laws of the United States by direction of consular officers, at any foreign port or place, as wages, extra or otherwise, due American seamen, are to be paid in gold or its equivalent, without any deduction whatever, any contract to the contrary notwithstanding.—*R. S.*, *sec. 4548*.

**220. Seamen forwarded from one consulate to another.**—When seamen are forwarded from one consulate to another, as provided for in paragraphs 285–287, any balances of moneys which may be due them should be remitted (together with a statement of the amounts) by bank draft or some other safe method to the consular officer at the port of their destination, who will manage the funds according to law and these Regulations.

**221. Seamen to be reported.**—When a seaman comes upon a consulate from another port, or by shipwreck, or in any manner otherwise than by discharge from a vessel at the port, the consular officer will at once notify the Auditor for the State and other Departments of the fact, giving the name of the seaman, the date of arrival, the name of the place whence he came, with the date and cause of his leaving such place, the name of the vessel by which he came, and of the American vessel on which he was last engaged. If he has been

sent from another consulate, the amount of his wages received as per preceding paragraph should also be reported. This information should be communicated immediately and without waiting until the end of the quarter. (Form No. 126.)

**222. Discharged for unusual or cruel treatment.**—Seamen who desert because of unusual or cruel treatment and are discharged by a consular officer on that account, and seamen who are so discharged for unusual or cruel treatment, but without having deserted, are equally entitled to their wages and extra wages.—*R. S., sec. 4600; 23 Stat L., 55, sec. 6.*

**223. When master is discharged.**—On the discharge of a master of a vessel in a foreign port, payment of arrears of wages and of extra wages is to be required under the same circumstances as for other mariners. Difficulty has arisen, in some instances, in determining the rate at which the extra wages should be exacted; and it has been held that, in the absence of a specific contract, the consular officer should fix the rate at that which is usual and customary for masters of vessels of the class at the American port at which the master shipped.

**224. Arrears of wages to be collected and reported.**—It is the duty of the consular officer to collect all arrears of wages that are due to a seaman up to the date of his discharge, and to report the same quarterly, together with the extra wages collected, to the Auditor for the State and other Departments (Form No. 124). The arrears of wages and extra wages are first to be applied to the expenses of the seaman; and vouchers for wages paid to a seaman, as prescribed in Form No. 164, must accompany the relief accounts. A seaman who has wages in the hands of the consular officer can not be regarded as destitute until they have been exhausted in defraying his expenses. (Paragraphs 262, 263.)

**225. Detention of ship's papers.**—Consular officers are authorized and required to retain possession of a ship's papers that

have been deposited with them, as directed by law, until payment shall be made of all lawful demands and wages on account of the vessel. If the master departs from the port with his vessel, with these demands and wages unpaid and leaving the vessel's papers in his hands, the consular officer will at once transmit the latter to the Department of State, accompanied by a full report of the facts and an account of the several sums due, in order that measures may be taken through the proper office of the Government for collecting the account on the arrival of the vessel in the United States, and for such other proceedings as the conduct of the master may be deemed to require.—*R. S., sec. 1718.* (Paragraph 180.)

#### ARREARS OF WAGES.

**226. Commencement of wages.**—A seaman's right to wages and provisions shall be taken to commence either at the time at which he commences work or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.—*R. S., sec. 4524.* (Paragraph 231.)

**227. Not dependent on freight.**—The wages of a seaman are not dependent on the earning of freight by the vessel; but every seaman or apprentice who would be entitled to demand and receive any wages if the vessel on which he has served had earned freight shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same of the master or owner in personam, notwithstanding that freight has not been earned. But in all cases of wreck or loss of vessel, proof that any seaman or apprentice had not exerted himself to the utmost to save the vessel, cargo, and stores shall bar his claim.—*R. S., sec. 4525.*

**228. Loss of vessel.**—In cases where the service of any seaman terminates before the period contemplated in the agreement



by wreck or loss of the vessel, such seaman shall be entitled to wages for the time of service prior to such termination, but not for any further period. In case of a wreck by stranding, it must be left to the discretion of the master to fix the day of the actual termination of the seamen's services; and his decision will be supported by the courts, unless some wrong or injustice be practiced on them. A survey is not a necessary ingredient of wreck, and the master may terminate the seamen's services without calling for one.—*R. S., sec. 4526; 30 Fed. Rep., 202.*

**229. Time for payment.**—It is made the duty of a master of a vessel making a foreign voyage to pay to each seaman his wages within three days after the cargo has been delivered, or within five days after his discharge, whichever first happens; and in all cases the seaman shall, at the time of his discharge, be entitled to be paid, on account, a sum equal to one-fourth of the balance due to him. Every master or owner who neglects or refuses to make payment in the manner hereinbefore mentioned, without sufficient cause, shall pay to the seaman a sum not exceeding the amount of two days' pay for each of the days, not exceeding ten days, during which payment is delayed beyond the respective periods. This paragraph, however, does not apply to the masters or owners of any vessel the seamen on which are entitled to share in the profits of the cruise or voyage.—*R. S., sec. 4529.*

**230. Payment of wages at ports.**—Every seaman is entitled to receive from the master of the vessel to which he belongs one-third part of the wages which shall be due to him at every port where such vessel shall unlade and deliver her cargo before the voyage is ended, unless the contrary be expressly stipulated in the contract; and as soon as the voyage is ended and the cargo or ballast is fully discharged at the last port of delivery, he shall be entitled to the wages which shall then be due.—*R. S., sec. 4530.* (Paragraph 229.)

**231. Rules for computing wages.**—The following rules should be observed in computing wages:

I.—(1) The date written in the column of the shipping articles headed “Time at which he is to be on board” is taken as the time when a seaman’s wages should commence, provided he was on board or duly presented himself to go on board at that time.

(2) If he went on board before that date with the consent and subject to the orders of the master, he is deemed to have commenced work and to be entitled to wages from the date of going on board.

(3) If he failed through his own fault to join the ship at the time specified in the articles, his wages accrue only from the time at which he went on board and reported for duty.

(4) Disputes in regard to the time when wages began to accrue rarely involve more than one or two days, and they are usually adjusted by the mate’s log; although, if there is doubt arising from the absence of proper entry on the log, or suspicious interlining, or other cause, the seaman’s statement may be accepted.

II.—The column in the shipping articles headed “Place and time of entry” contains the date of the agreement; it does not indicate the time when wages are to begin.

III.—The agreement is considered as referring to calendar months—for example, from February 2 to March 1, both inclusive, is a month.

IV.—In computing the amount due for a fraction of a month, thirty days are counted as a month without regard to its length—for example, five days are one-sixth of a month, whether in February, March, or April.

V.—(1) Any fraction of a day is counted as a whole day—for example, from March 1 to the forenoon of March 4, both inclusive, is reckoned as four days; but—

(2) If a seaman be engaged in the afternoon of one day and discharged in the forenoon of another day, the two fractions of a day are considered as one day only—for example, the time from the afternoon of March 1 to the forenoon of March 4, both inclusive, is three days.

**232. Improper discharge within a month.**—If a seaman is discharged, without fault on his part and without his consent, before a month’s wages are earned, he may, on proof of all the facts, be entitled to recover from the master one month’s

wages as compensation in addition to any wages which he may have earned.—*R. S., sec. 4527.*

**233. Suspension of wages.**—No seaman or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, after the time fixed by the agreement for him to begin work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offense committed by him; nor is a seaman entitled to wages for a reasonable period off duty, when put off duty for persistent negligence, disobedience, or insolence.—*R. S., sec. 4528; 6 Saw., 328.*

**234. Disrating.**—Where no prejudice or manifest error is shown, the decision of a master disrating a seaman will be accepted in computing wages.—*44 Fed. Rep., 631; 49 Fed. Rep., 591.*

**235. Allotment of wages.**—A seaman may agree in the shipping agreement for an allotment of all or any portion of the wages which he may earn, to his wife, mother, or other relative, or to an original creditor in liquidation of any just debt for board or clothing which he may have contracted prior to engagement, not exceeding \$10 per month for each month of the time usually required for the voyage for which he shipped, under such regulations as the Secretary of the Treasury may prescribe; but no allotment to any other person or corporation shall be lawful.—*R. S., sec. 4531; 24 Stat. L., 80, sec. 3.* Allotment is not permitted in the coastwise trade, in the trade between the United States and the Dominion of Canada, Newfoundland, West Indies, or Mexico.—*28 Stat. L., 667.*

**236. No advance wages.**—Except in the case of whaling vessels, it is not lawful to pay any seaman wages before leaving the port at which such seaman may be engaged in advance of the time when he has actually earned the same, or to pay

such advance wages to any other person, or to pay to anyone except an officer authorized by act of Congress to collect fees for such service, any remuneration for the shipment of a seaman. If any such advance wages or remuneration shall have been paid or contracted for, the consul, in making up the account of wages due the seaman upon his discharge, will disregard such advance payment or agreement and award to the seaman the amount to which he would be entitled if no such payment or agreement had been made. Nor should consuls permit the statute to be evaded indirectly, as by part payment in advance and then stating rate of wages too small.—*R. S.*, secs. 4532, 4533; *23 Stat. L.*, 55, sec. 10; *24 Id.* 80, sec. 3; *27 Fed. Rep.*, 764.

**237. Advance to seamen shipped in foreign ports.**—The shipment of seamen in foreign ports can not be considered as within the intention, and hence not within the proper construction, of the act referred to in the next preceding paragraph. The final clause of the act, which declares that this section shall apply as well to foreign vessels as to those of the United States, and that in case of violation a clearance shall be refused them, is a clear indication that Congress did not in this section refer to the shipment of seamen in foreign ports, but had in view acts done in the United States alone. The provision of the statute as to payment of advance wages is not intended to apply to seamen shipped in foreign ports. In the settlement of wages due seamen in such cases, therefore, consular officers will take into account what has been paid in advance.—*22 Fed. Rep.*, 734.

**238. To be cured at expense of ship.**—By the general maritime law, a seaman when he receives any injury while in the service of the ship, or becomes sick during the voyage, and the sickness is not caused by his own fault, is entitled to be cured at the expense of the ship. The right is his without any question of ordinary negligence by himself or associates, nor is the

right lost by his discharge by consul. The law embraces all sickness and all injuries sustained in the service of the ship while the seaman constitutes one of her crew, whether such sickness and injuries occur in a foreign port, upon the ocean, or upon navigable waters. But the owners are exempt from their liability for medical advice and attendance in case a medicine chest is provided in accordance with section 4569 of the Revised Statutes. If, however, the seaman can not have the benefit of the medicine, whether it be because he is removed ashore for the safety or convenience of the ship, as in the case of malignant or contagious disease, or because there is no one on board by whom the medicine can be safely administered, the expense of medical advice must be at the charge of the ship. And the same result follows in cases requiring surgical skill and assistance, a dislocation or a fracture, in which the medicine chest and its directions would be of no avail. But when the seaman is taken ashore at his own solicitation, it not being a case requiring surgical aid and skill, nor a case where the removal was made for the convenience of the ship, and the ship is provided with a medicine chest, the medical expenses of the sick seaman are not chargeable to the ship.—*17 Fed. Rep.*, 390; *25 Id.*, 503; *55 Id.*, 327.

**239. Master to account for wages.**—It is provided by law that every master shall, not less than forty-eight hours before paying off or discharging any seaman, deliver a full and true account of the seaman's wages, and all deductions therefrom, and of all charges against him. For the better protection of both masters and seamen, as well as of the interests of the Government, it will hereafter be required that, when the articles of a vessel do not show a seamen to be in debt for advanced wages received, when advanced wages are permissible (paragraphs 236, 237), the master shall, within forty-eight hours after arrival in port, deliver to the consular officer a full account of all "slops" (or, if he prefers, deposit his slop-book

at the consulate) issued to, and of all other charges against, each seaman during the passage to the port. If this requirement is not complied with, such account will not be allowed in settlement of the amount of wages due deserters from the vessel. And for the protection of the ship against unjust claims on account of wages, all payments made to a seaman while in port must be made at the consulate, or the seaman must, in person or in writing, subsequently acknowledge the payments to the consular officer. Unless payments are so made or acknowledged, the consular officer is authorized to refuse to recognize them in his final settlement of the seaman's account. Generally, if a seaman shows that he is entitled to receive certain wages, the burden of proof is on the master to show payment or deduction.—*R. S., sec. 4550; 14 Fed. Rep., 302; 7 Saw., 58.*

**240. Payment of seamen on discharge.**—When any seaman is to be discharged and paid off, or any desertion list is to be settled or certified, the master of the vessel must be present at the consulate with his slop-book. Each item of the ship's account of wages earned by, and of the charges against, the seaman will be verified by the consular officer and carefully stated to the seaman; and if there be any charges from which the seaman dissents, they will be investigated and settled at once. To avoid delay, and for convenience in the adjustment of such accounts, it is often desirable that a fixed time should be set when the seaman may be paid off and discharged.

**241. Rate of wages fraudulently stated.**—The shipping articles, unless clearly shown to be incorrect or invalid, will control as to the amount of wages. When, however, the amount is fraudulently understated, they may be disregarded. Consular officers will be watchful to thwart such practices; and in any case where the return made by the master fraudulently disagrees with the customary rate of compensation in the marine service, they will exact the highest rate of wages

paid to any seaman shipped for the voyage, or the sum actually agreed to be given him at his shipment, if it can be ascertained, whatever may be the sum falsely stated in the articles.—*19 Fed. Rep.*, 528; *20 Fed. Rep.*, 654; *24 C. Cls. R.*, 160. (Paragraphs 190, 194.)

**242. Unlawful agreements.**—No seaman shall, by any agreement other than is provided in the acts of Congress, forfeit his lien upon the ship or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation in any agreement inconsistent with any provision of law, and every stipulation by which any seaman consents to abandon his right to his wages in the case of the loss of the ship or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative.—*R. S.*, *sec. 4535*; *55 Fed. Rep.*, 327.

#### EXTRA WAGES.

**243. When collected.**—Consular officers are required by law to collect one month's extra wages in the following cases, and are prohibited from so doing in any other case:

1. When inspectors appointed by the consul to examine whether the vessel is in a suitable condition to go to sea shall have reported that she was sent to sea unsuitably provided in any important or essential particular by neglect or design, and the consular officer approves of such finding, and thereupon the seaman is discharged.—*R. S.*, *sec. 4561*; *23 Stat. L.*, 54, *sec. 4*. (Paragraphs 207(6), 208, 315.)

2. Whenever a vessel of the United States is sold in a foreign country and her company discharged. But in case the master shall, with the assent of the seaman, provide him with adequate employment on board some other vessel bound to the port at which he was originally shipped, or to such other port as may be agreed upon by him, then no payment of extra wages shall be required. Consular officers should,

so far as they properly can, strive to induce seamen so discharged to reship at once, and thus avoid the infliction of the one month's penalty.—*R. S.*, *sec. 4582*; *23 Stat. L.*, *54, sec. 5*; *19 Fed. Rep.*, *523*. (Paragraphs 251, 252.)

3. Whenever, on the discharge of a seaman in a foreign country, on his complaint that the voyage is continued contrary to agreement, the consular officer shall be satisfied that such voyage has been designedly and unnecessarily prolonged, in violation of the articles of shipment.—*R. S.*, *sec. 4583*; *23 Stat. L.*, *54, sec. 3*.

4. Whenever a seaman is discharged by a consular officer in consequence of any hurt or injury received in the service of the vessel. The word "hurt" is understood to refer to a physical injury causing pain (a wound, bruise, or the like); the word "injury" refers to any injury to health resulting from the performance of duty by a seaman which is sufficient to warrant his discharge.—*R. S.*, *sec. 4583*; *23 Stat. L.*, *54, sec. 3*. (Paragraph 254.)

Unless a seaman receives some physical injury, or unless he contracts some disease growing out of and necessarily incident to his service upon the vessel, or which results from the unsanitary condition of the vessel, no extra wages should be collected in his behalf.

5. In all cases where deserters are apprehended the consular officer shall inquire into the facts, and if he is satisfied that the desertion was caused by unusual or cruel treatment, he shall discharge the seaman and require the master of the vessel from which such seaman is discharged to pay one month's wages over and above the wages then due.—*R. S.*, *sec. 4600*; *23 Stat. L.*, *53, sec. 6*. (Paragraphs 301, 302.)

This is construed to apply equally to the case of seamen who are discharged for unusual or cruel treatment without having deserted. (Paragraphs 210, 211.)



**244. Shipment "by the lay."**—When seamen have been shipped on board of American vessels without the rate of their wages being specified on the shipping articles, as on board of whaling ships, where they are shipped "by the lay," upon their discharge at a foreign port under circumstances entitling them to extra wages, such wages shall be paid at the usual rate at the time and port of shipment for the voyage in gold coin of the United States or its equivalent.

**245. Vessels purchased abroad.**—American seamen engaged on American or foreign built vessels purchased abroad and wholly owned by citizens of the United States are to be regarded in the same light, as respects the collection of extra wages, as seamen on regularly documented vessels, except where such a vessel has been sold abroad. (Paragraph 243 (2).) There is no provision in the statutes for the payment of extra wages by such vessels when sold abroad, and consular officers will not exact it.

**246. Restrictions in seamen's contracts.**—It is not competent for a master of a vessel to make a contract with a seaman which provides for the waiver or remission of the extra wages upon his discharge at a foreign port in cases where otherwise he would be entitled to them. In all engagements of seamen the statutes of the United States respecting such wages must be deemed and taken to be a part of the seaman's contract.

**247. No waiver of extra wages permitted.**—Although ordinarily any person may waive a benefit to which he is entitled by law, he can not by such waiver affect the rights of third persons or contravene the policy of a statute. Extra wages are allowed to a sailor in the specified cases to prevent his becoming a public charge and to provide a means for his relief and for his return home. A sailor can not, therefore, by his own act repeal the statute and defeat the public policy which induced its enactment. As paragraph 246 determines that

he can not expressly waive his right to extra wages in the shipping contract, consular officers are instructed to exact such wages in all cases where the law requires them to be paid, without any remission or deduction for the indebtedness of the seamen to the vessel, and especially as section 7 of the act of June 26, 1884, makes consular officers accountable to the United States for their full amount if they neglect to require their payment.

**248. Foreign seamen.**—It is held that when a seaman, being a foreigner, who has not declared his intention of becoming a citizen and served three years on a merchant vessel, agreeably to section 2174 of the Revised Statutes (paragraph 199), is shipped in a foreign port and is discharged in a foreign port, no extra wages are to be collected,

**249. How foreigners lose character of American seamen.**—A foreign seaman, having shipped on an American vessel at a port of the United States, is entitled to extra wages on his discharge at a foreign port in all cases where a seaman who is a citizen would be so entitled, and on such a discharge he may be relieved and returned to the United States. And the quality of an American seaman is retained by him by successive reshipments on American vessels abroad during his continuance of a seafaring life. If he engages on board a foreign vessel, he divests himself of the character of an American seaman and does not regain it until he again reships on an American vessel in a port of the United States. The rule is, that a foreigner discharged from an American vessel in a foreign port, and subsequently shipping on a foreign vessel, can not thereafter be deemed an American seaman for the purposes of extra wages and relief until he returns to the United States and again ships on an American vessel. It is not material in such cases how many engagements he may serve on American vessels before his return to the United

States. On the other hand, when an American seaman, who is also a citizen of the United States, is shipped and discharged under such circumstances, the case is within the statute and regulations relating to extra wages and relief.

**250. Foreigners who desert.**—The foregoing case applies to seamen who are regularly discharged from American vessels in foreign ports, and not to deserters, unless the desertion was caused by cruel or unusual treatment. A foreigner deserting from an American vessel abroad, although subsequently re-shipping on an American vessel at the port of desertion, is deemed by the act of desertion to have lost the character of an American seaman; and he will not be entitled to extra wages or relief if afterwards discharged in another foreign port. In discharging foreigners who claim to have served continuously in American vessels, consular officers, therefore, will be careful to satisfy themselves, wherever it is practicable, that the seaman was regularly discharged at the port of shipment, and was not a deserter. (Paragraph 266.)

**251. Vessel sold in the United States to be delivered abroad.**—Where a vessel has been sold in the United States to be delivered at a foreign port and the shipping articles provide for the return of the seamen to the United States by the same vessel under a different owner, if such agreement is not complied with the consular officer at the port where the vessel is delivered to the new owner should formally discharge the seamen and collect the extra wages, unless the master shall, with the assent of the seamen, provide them adequate employment on board some other vessel bound to the port at which they were originally shipped or to such other port as may be agreed upon by them.

**252. Vessel sold involuntarily.**—Where a vessel is sold in a foreign country and her company discharged (as provided in paragraph 243 (2) ), extra wages are not to be exacted in

cases of a forced and compulsory dissolution of the contract, as by shipwreck, capture, seizure, and forfeiture of the vessel without the fault of the master or owners, or by any fortuitous occurrence against which human foresight and power could not provide. A discharge of the mariner, to come within the meaning of the law, must be a discharge by a voluntary act of the master, and not a mere separation from the vessel by the unavoidable breaking up of the voyage by misfortune. The owners, however, will not be exempted from the payment of the extra wages if the vessel can be repaired at a reasonable expense and in a reasonable time.

**253. Doubtful cases.**—In cases of doubt, in which from any cause the consular officer is unable to decide to his satisfaction whether the extra wages should be collected or not, it will be the preferable and safer course for him to require their payment. The master or agent of the vessel should be permitted to make the payment under protest, if he shall see fit. A full statement of the facts should be promptly communicated to the Department of State, when the case will be examined, and restitution will be made if the circumstances are deemed to warrant it. A like report should also be made to the Auditor for the State and other Departments, to accompany the quarterly relief return to that officer.

**254. Discharge for hurt or injury.**—The act of June 26, 1884, section 3 (paragraph 243 (4) ), authorizes consular officers to discharge a seaman abroad in consequence of any hurt or injury received in the service of the ship. In such case, one month's extra wages must be paid to the seaman over and above the wages due at the time of discharge.—*23 Stat L. 54; 25 Fed. Rep., 503.*

The legal rights existing between the vessel and the seaman in cases falling within the meaning of the preceding paragraph must be left to the courts. But any expenses for the seaman's medical treatment and cure incurred prior to

the discharge shall be borne by the vessel, and must not be deducted from the wages of the seaman. Such expenses incurred after the discharge of the seaman shall be paid out of the arrears of wages and extra wages received by the consular officer, and if they are not sufficient, the balance shall be paid from the appropriation for relief and protection of American seamen.

The word "injury," as interpreted by the Department of State, includes any injury to health resulting from the performance of duty by a seaman which entitles such seaman to the one month's extra wages, provided such injury warrants his discharge.

#### EFFECTS OF DECEASED SEAMEN.

**255. Dying on shipboard.**—When any seaman or apprentice belonging to or sent home on any merchant vessel employed on a voyage which is to terminate in the United States dies during such voyage, the master should take charge of all moneys, goods, and effects which he leaves on board; and if the ship touches or remains at a foreign port before coming to any port of the United States, it is his duty to report the case to the consular officer there, and to give such officer any information he requires as to the destination of the ship and the length of the voyage. Thereupon such officer may, if he considers it expedient so to do, require the said effects, money, and wages to be delivered and paid to him, and upon that being done he shall give the master a receipt therefor. (Form No. 85.) The consular officer shall also indorse and certify upon the agreement with the crew the particulars of such delivery and payment. In case he does not require the delivery and payment, it is his duty to obtain from the master a statement of the seaman's account with the vessel and transmit a copy thereof to the Department of State. If the ship is sold in a foreign port and the master has in his hands the effects,

money, and wages of a deceased seaman, the consular officer may require them to be delivered to him.—*R. S.*, *secs.* 4538, 4539, 4541.

**256. Effects not on shipboard.**—Whenever any such seaman or apprentice dies at any place out of the United States, leaving any money or effects not on board his vessel, the consular officer of the United States at or nearest the place shall claim or take charge of such money and effects, and shall, if he thinks fit, sell all or any of such effects, or any effects of any deceased seaman or apprentice delivered to him under the provisions of law, and shall quarterly remit to the district judge for the district embracing the port from which such vessel sailed, or the port where the voyage terminates (Appendix V.), all moneys belonging to or arising from the sale of the effects or paid as the wages of any deceased seaman or apprentice which have come to his hands (Form No. 86), and shall render such accounts thereof as the district judge requires.—*R. S.*, *sec.* 4541.

**257. Account to district judge.**—Consular officers are required, in rendering the accounts above provided for, to make a statement of details, such as is required of the master of the vessel by sections 4538–4539 of the Revised Statutes, namely: (1) A statement of the amount of money left by the deceased and any of his effects unsold; (2) a description of each article sold, and the sum received for each; (3) the sum due to deceased for wages, with dates, and the items of deduction, if any, to be made therefrom—no such deductions being allowed to the master unless verified by an entry in the official log book, if there be any.

They are directed, also, to require the master to give full particulars of the wages account of the seaman, including the date of shipment, rate of wages, and time of discharge, and of any deductions therefrom, to be verified by the entry

in the official log; such account to be verified before the consul by the master, and a certified copy thereof to be sent with the account to the district judge.

**258. Effects of foreign seaman.**—When the deceased seaman was a foreigner, and was shipped in a foreign port, and the wages and effects are delivered to the consular officer, the latter should make proper inquiries to find the relatives of the deceased, and may determine for himself to whom the wages and effects should be given. If no relatives are found, the wages and money arising from the sale of the effects should be remitted to the district judge, as above provided for.

#### ARTICLE XV.

##### RELIEF OF SEAMEN.

**259. Consuls to relieve destitute seamen.**—It is the duty of consular officers, from time to time, to provide for the seamen of the United States who may be found destitute within their districts, respectively, sufficient subsistence and passages to some port in the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give.—*R. S., sec. 4577.* The provisions respecting relief apply to American seamen on American or foreign built vessels purchased abroad and wholly owned by American citizens in the same manner as to seamen of regularly documented vessels.

**260. Seamen entitled to relief.**—Seamen of the United States entitled to relief when destitute are:

1. Merchant seamen, being citizens of the United States, or persons coming under the provisions of section 2174 of the Revised Statutes, and who, at the time of applying for relief, are by habit and intent bona fide members of the American

merchant marine, although their last service may not have been in an American vessel.

2. Foreigners regularly shipped in an American vessel in a port of the United States.

**261. Merchant seamen only.**—The seamen of the merchant marine of the United States alone are those whom the law contemplates relieving; and no provision has been made for the relief of destitute Americans other than seamen. No relief, therefore, is authorized to be granted to such destitute Americans, or to seamen, whether citizens or foreigners, discharged or deserting from naval vessels of the United States; and expenditures for such relief will not be allowed if found in the consular accounts. Seamen on American yachts are regarded as American seamen within the meaning of the statute.—*Bowler's 1st Comp. Dec.*, 309.

**262. Conditions of relief.**—Before granting relief, a consular officer should satisfy himself that the applicant is an American seaman as already defined, and that he is entitled to relief under the statutes, usages, and decisions hereinbefore referred to, and that he is destitute. A seaman can not be regarded as destitute when he has any arrears of wages or extra wages, or is earning his own living. The question of fact whether a seaman is or is not destitute is one to be determined by the consular officer to whom the seaman applies for relief, and the consular officer's decision will, in the absence of fraud, be conclusive.—*3 Comp. Dec.* 40. The amount to be paid for relief is, however, not limited to the arrears of wages and the extra wages; but relief may be continued, if necessary, after both have been exhausted.

**263. Examination of seamen.**—Seamen applying for relief must be examined touching the manner of their being left destitute, and the name of the vessel and her master on which they last shipped, and the time and place and cause of discharge; and if it shall appear from such examination that



they have been discharged from any American vessel contrary to the provisions of law applicable to such cases, it is the duty of the consular officer to report the facts to the Department of State, with any other information that may enable it to cause the proper proceedings to be taken for a violation of the laws.

**264. When foreigners lose character of American seamen.**—A seaman of foreign nationality who ships in an American vessel in a port of the United States with intent to attach himself for an indefinite, though not necessarily a long, time to the American merchant service becomes thereby a seaman of the United States within the meaning of the statute and regulations authorizing the relief and transportation at Government expense of destitute seamen to the United States; and he retains that character, with its privileges, until divested of it by taking service in a foreign vessel or by abandonment of the seaman's calling. (Paragraphs 248–250.)

**265. Seamen of other countries not to be relieved.**—When a seaman, not an American citizen, and who has not acquired the character of an American seaman, or, having acquired such character, has lost it as hereinbefore explained, comes upon a consulate upon his discharge from a foreign vessel, or when his last service was in a foreign vessel, the consular officer has no authority to grant relief. The seaman must look to the consul of the nation on whose ship he served. Accounts for relief extended to seamen under these circumstances will not be allowed.

**266. Deserters.**—An American citizen serving as seaman on an American vessel is entitled to relief if destitute in a foreign port, notwithstanding he may have deserted without cause or comes upon the consulate otherwise irregularly.—*3 Sumn.*, 115. A foreigner under like circumstances is not entitled to relief. (Paragraph 250.) When relief is applied for by a deserter, it is the duty of the consular officer to

ascertain clearly and satisfactorily, before granting it, that he is justly entitled to it, and, if the applicant be a foreigner, that the desertion was caused by unusual or cruel treatment or was otherwise justifiable. If it shall appear that the desertion was caused by such treatment, the seaman may be discharged, in accordance with section 6 of the act of June 26, 1884, and will be entitled to the arrears of wages and extra wages. If the vessel shall have left the port, and the consular officer is satisfied that the case is within the provisions of the statute, the facts should be reported to the Department of State. In all such cases, however, care should be taken that the provisions for the relief of destitute seamen should not be allowed to operate as an incitement to desertion. Consuls should exercise great care in examining and weighing the merits of each case, in order that abuses may not occur.—*23 Stat. L., 55, sec. 6.*

**267. Relief without reference to fault of seamen.**—Consular officers are authorized and directed to relieve the necessities of destitute American seamen, subject to the exception of the foregoing paragraph, without reference to the fault or misfortune by which they became destitute, except that relief must not be so administered as to incite desertion. (Paragraph 305.)

**268. Whaling vessel orders.**—Orders given by masters of whaling vessels to American seamen shipped “by the lay,” and discharged before the end of the voyage, for the said seamen’s shares of the catch up to the date of discharge, payable at the end of the voyage, are understood to be of little or no value at the time and place of discharge, and are therefore unavailable for expenditure in the seamen’s behalf in the manner cash wages are directed by statute to be expended before relief is furnished at Government expense. Discharged seamen who have no means of subsistence at hand

other than these orders are for that reason destitute, and fit subjects for relief by the Government, notwithstanding the orders and their contingent prospective value.

Relief out of Government funds is not to be given until the seaman is destitute, having exhausted his own available resources; but when given it is a pure gratuity, without expectation of indemnity from subsequent acquisitions or realizations of the seamen. If, therefore, these orders can not be utilized at the time and place of discharge in defraying the cost of the seamen's subsistence and other necessities, or for their transportation, they should be delivered to the seamen to whom they are respectively payable; or, at the request of a seaman, his order may be sent to the Department of State to be kept for him, and subject to his call. In no case should it be taken from him and sent to the Department for collection for the benefit of the Government.

**269. Minor stowaways.**—A minor who conceals himself on board a vessel and is discovered when the vessel is at sea, although he has been put on duty as a seaman, can be put on shore and delivered to a consular officer without the payment of extra wages.

It is not the duty of the consular officer in such a case to afford relief to him as a destitute seaman, and the expenses of relief under such circumstances are not allowed.

**270. Naval seamen left in care of consuls.**—Seamen of the naval vessels of the United States left under the care of consular officers, in consequence of sickness, injuries, or other causes, are not entitled to the relief provided by law for seamen of the merchant service; and a consular officer has no authority to incur expenses in their behalf. In such cases he may properly require, for his own protection, from the naval officer at whose request he takes charge of the seaman, either that adequate provision shall be made at the time to meet

the necessary expenses, or such written authorization as will secure to him the reimbursement of any outlays he may be called upon to make.

**271. Relief of shipwrecked seamen.**—When seamen of American vessels are rescued from shipwreck, or are brought after shipwreck from places where there is no consular officer, and are landed at or find their way to a port where such an officer is stationed, the latter will be authorized to afford relief without regard to the nationality of the seaman, or the character of American seaman, as herein defined. If they can not be reshipped, they should be provided with passages to the United States, or to an intermediate port where employment may be had or passages obtained.

**272. Character of relief.**—The relief afforded will comprise lodging, subsistence, clothing, medical attendance, and medicines. The lodgings should be in a healthy locality, removed, if possible, from scenes of temptation and vice. The subsistence should be simple but sufficient. It is usual, however, to contract for the board of seamen. The medical attendance and medicines should be found at a hospital, if there be one in the place, unless special instructions otherwise are given. If private treatment is provided, the reasons therefor must be communicated to the Department of State. A form of order to send seamen to a hospital and a form of certificate when seamen leave a hospital against the physician's advice are given in Forms Nos. 22 and 23.

**273. Report of clothing furnished.**—The clothing should be of the cheapest kind consistent with strength and durability, and such as seamen are accustomed to wear. Whenever seamen are sent to the United States by way of a foreign port at which there is a consular officer, the consular officer sending the seamen should transmit to his colleague there, either by the same vessel or by the quickest route, a statement showing the names of the seamen and the quantity and

kind of clothing furnished them, and at what dates; and if the seamen are sent from such foreign port to another intermediate port where there is a consular officer, the list of names and clothing should be in like manner transmitted.

**274. Vouchers for relief.**—Proper vouchers for the board, subsistence, clothing, medical attendance and medicines, and any expenditure for the relief of destitute seamen must be taken in every case. (Forms Nos. 95, 96, 97, and 98.) The vouchers for board and medical attendance should show the name of the seaman, the time of subsistence or treatment, giving the date of beginning and termination and the rate per day or week, and, whenever it is practicable, the name of the ship from which and the place where the seaman was discharged. Under the rules of the accounting officers of the Treasury Department the receipts for clothing, necessities, and supplies, given by a seaman making his mark, or otherwise, should be witnessed. The witness should be a disinterested person, not a member of the firm furnishing the articles. The accounts for the relief of seamen must be accompanied by a certificate of the consul that he has neither received nor will receive, directly or indirectly, any pecuniary or other advantage whatever from the expenditures set forth in the accounts.

**275. Consul not to be interested in hospital or supplies.**—Consular officers are forbidden from owning, maintaining, or having, directly or indirectly, any pecuniary interest in any hospital abroad to which American seamen are sent, whether located within or without their respective jurisdictions. A consular officer known to be so interested, or if interested in like manner in the supplies furnished to destitute seamen, will be removed. Such cases are within the prohibition of the statute, and an officer so offending is liable to prosecution under its provisions.—*R. S., sec. 1719.* (Paragraph 514.)

## ARTICLE XVI.

## TRANSPORTATION OF SEAMEN.

**276. Consuls to provide transportation.**—It is made the duty of consuls to provide for the seamen of the United States who may be found destitute within their districts passages to some port in the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give.—*R. S., sec. 4577.* Seamen who are entitled to relief in accordance with the preceding article, and none others, are entitled to be returned to the United States. It has been held that a master is not obliged to take on board persons accused of crimes to be transported to the United States for prosecution. He will also not be required to take an insane seaman, unless harmlessly so or in the custody of a keeper; nor a sick seaman who is likely to die on the voyage; but in the latter case the consul must determine whether the seaman is too sick to be sent, and whether the voyage may not benefit or restore him.—*3 Sumn., 115; 7 Op. Att. Gen., 722.*

**277. Obligation of vessels to transport.**—It is obligatory upon a master of a vessel of the United States bound to a port of the United States to take such destitute seamen on board his vessel at the request of the consul, and to transport them to his port of destination in the United States on such terms, not exceeding \$10 for each person for voyages of not more than thirty days, and not exceeding \$20 for each person for longer voyages, as may be agreed between the master and the consular officer when the transportation is by a sailing vessel; and the regular steerage-passage rate, not to exceed 2 cents per mile, when the transportation is by steamer. The consular officer shall issue certificates for such transportation, which

certificates shall be assignable for collection. If any such destitute seaman is so disabled or ill as to be unable to perform duty, the consular officer shall so certify in the certificate of transportation, and such additional compensation shall be paid as the Comptroller of the Treasury shall deem proper. The penalty for refusal is in the sum of \$100 for each seaman so refused. The certificate of the consul, given under his hand and official seal, is made presumptive evidence of such refusal in any court of law having jurisdiction for the recovery of the penalty. It is not required, however, that a master should take a greater number than one man for every 100 tons burden of the vessel on any one voyage, or to take any seaman having a contagious disease.—*R. S.*, sec. 4578; *23 Stat. L.*, 53, sec. 9; *24 Stat. L.*, 83, sec. 18. (Paragraph 281.)

**278. Seamen to do duty.**—When American seamen are put on board a vessel of the United States in a foreign port by a consul for transportation, they are bound by the same regulations as articulated seamen, they are subject to the laws respecting the crew, and they are bound to do duty as other seamen according to their several abilities. They are, on the other hand, entitled to receive the same accommodations, subsistence, and treatment as the seamen of the transporting vessel.—*Peters, C. C.*, 118; *R. S.*, sec. 4577.

**279. From ports where no consular officer.**—When distressed seamen of the United States are transported from foreign ports where there is no consular officer of the United States to ports of the United States, there will be allowed to the master or owner of such vessel in which they are transported such reasonable compensation, in addition to the allowance now fixed by law, as shall be deemed equitable by the Comptroller of the Treasury. Accounts or claims for services of this kind should be sent to the Auditor for the State and other Departments—*R. S.*, sec. 4579; *28 Stat.*, 207.

**280. When transported seaman is a foreigner.**—When the destitute seaman sent to the United States is a foreigner, the consular officer will give such seaman a certificate that he is a returned seaman, to be exhibited by him to the examining officer at the home port to prevent any difficulty about his being permitted to land in the United States on account of the law excluding pauper immigrants.

**281. What vessels to transport.**—The statute does not impose the duty of transportation upon every American vessel found in a foreign port. Such a requirement might, under many circumstances, operate oppressively upon masters and owners. But the provision is limited in its application to such vessels of the United States as shall be bound to some port thereof. It does not apply to vessels bound to another foreign port and thence to some port of the United States. Where, however, the opportunities of sending seamen to the United States do not often occur, and they are likely otherwise to remain a charge on the consulate, the consul should request the master to take them on board for transportation to an intermediate port at which such opportunities can be found, if the vessel is to touch at such a port, and for this service a suitable compensation will be allowed.

**282. Transportation, how paid.**—Consuls will be careful, on sending destitute American seamen to the United States, to give to the master of the vessel on board of which they are placed a certificate in accordance with Form No. 24, setting forth their names and the amount to be paid for their passage. This certificate is payable at the Treasury of the United States, and not by the collectors of customs. The latter, however, are required to indorse upon the certificate the fact of the arrival of the seamen within their several districts, upon which the certificate should be sent to the Auditor for the State and other Departments, when the amount agreed upon for the passage of the seamen will be remitted to the



master or his assignee or to the owner or agent of the vessel. The passages of seamen to the United States should not be paid in advance by a consul, unless they can not otherwise be had, and then only in foreign vessels. Payment for such passages will not be allowed without satisfactory explanation and proof of the delivery of the seamen at the port to which the passages are paid. A relaxation of the rule as to explanation and proof of the delivery of the seaman at the port of destination will be allowed when it is shown in the consul's returns that the passage is prepaid in a vessel or steamer destined for a direct voyage to the United States.

**283. Agreements for transportation.**—In consequence of the statutory restriction as to the number of destitute seamen which an American vessel is required to bring to the United States, and of the liability to the detention of seamen for considerable periods through the want of vessels bound directly to the United States, consuls are instructed, when an American vessel has received one seaman for every 100 tons burden at the price fixed by law, that they may negotiate with the master for the passage of an additional number, if necessary, at such reasonable compensation as shall be agreed upon between the master and the consul. This compensation will be paid on the presentation of the consular certificate to the Auditor for the State and other Departments in the way hereinbefore prescribed. They may also contract with masters of foreign vessels at reasonable rates when opportunities by American vessels do not offer. In such cases the reasons for the payment of increased compensation should be stated in the consular certificate. The certificate should also state, in the case of American vessels taking a greater number of seamen than is required by law and at a greater rate, that there were no other American vessels then in port bound for the United States.

**284. To be transported promptly.**—Destitute seamen should

be provided with transportation at the earliest possible day, either directly to a port of the United States or to an intermediate port, where they may find employment in American vessels or passages to the United States. The consular officer is the proper judge as to the ship on board of which the seaman should be placed for his return to the United States. The accounting officers suspend, in the adjustment of consular accounts, all charges for relief afforded to seamen who have been for more than three months chargeable to the United States, unless the accounts are accompanied by satisfactory evidence, first, that the detention was caused by a want of vessels in which they might have been shipped to the United States; or, second, that the health of the seamen was in such a state that it would endanger their lives to send them on the homeward voyage. The evidence in the latter case is to be the certificate, as per Form No. 26, of the attending physician. Unless it is furnished, the drafts of the consul will not be paid.

**285. Shipment to intermediate ports.**—In places where opportunities of sending seamen home seldom occur, and employment on board of American vessels can not be obtained, the consul may ship them to an intermediate port where they may be likely to find such employment or a passage to the United States. He will in this case make a specific agreement with the master of the vessel at the most reasonable rate for their passage, giving to him a certificate (Form No. 163) requesting the consular officer at the port of destination to pay to the master of the vessel the amount agreed upon for the passage of the seamen upon their arrival at the consulate and the presentation of the certificate. The consular officer to whom they are sent must indorse on the certificate the fact of the arrival of the seamen, and cause the master to receipt thereon for the passage money paid to him. The certificate, so indorsed and receipted, should be transmitted with the account

of the consul for relief of seamen, in which the amount so paid for the passages of the seamen should be debited to the United States.

**286. Discretion in sending to intermediate ports.**—In the exercise of this discretion in respect to sending destitute seamen to intermediate ports, the consul will take into consideration the relative cost of keeping the seamen where they are and at the port to which they can be sent, together with the expense of their passage thither and the probability of their obtaining employment there or a passage home; and he will adopt the course which may seem best, having a due regard for the interests of the United States and a proper concern for the seamen. In the event that the consul to whom seamen are thus sent should not have sufficient funds to pay the passage money, he should negotiate a draft for the proper amount, drawn upon the Secretary of the Treasury, and pay the amount from the proceeds. It is not desirable, and it will often be inconvenient, for the master to negotiate such a draft, and, unless otherwise requested, the consul should himself negotiate it. Information of the drawing of such drafts, together with a report of the number of seamen, the cost of passage, and the consul by whom they were sent, must be at once communicated to the Auditor for the State and other Departments. In the absence of information in these respects payment of the drafts may be withheld.

**287. Transportation on passenger steamers.**—When seamen are sent by consular officers to intermediate ports on regular passenger steamers, and payment of passage is required in advance, the consular officer by whom they are sent should transmit to the consul at the port of destination, either by the same vessel or the quickest route, a list of the seamen forwarded, with the name of the vessel, requesting him to certify the arrival of the seamen on the list and to transmit it at once to the Auditor for the State and other Departments.

It will be the duty of the latter to comply with such requests without delay. In case a draft should be necessary to meet the expense of the passages so paid in advance, it should be drawn upon the Secretary of the Treasury, and negotiated and reported as provided for in the preceding paragraph.

**288. Clothing to be reported to consul at destination.**—When destitute seamen are forwarded to intermediate ports, as provided for in the preceding paragraphs, and supplies of clothing are furnished them by the consul by whom they are forwarded, a list of the clothing should be transmitted to the consul at the port of destination in the manner prescribed in paragraph 273.

**289. Allowance when seamen are picked up.**—When American seamen are picked up at sea and transported to some port of the United States, a reasonable compensation for such service is allowed, usually not exceeding 50 cents per day for each seaman, upon presentation at the Treasury Department of an account or claim in proper form, accompanied by satisfactory evidence as to the service rendered, the time the seamen were on board the rescuing vessel, and of their arrival in the United States.

**290. Transportation of shipwrecked seamen.**—When American seamen, whether transported from a port or place where there is no consular officer or picked up at sea, are landed at a consulate of the United States, the consular officer is authorized to pay the master of the vessel in which they are transported a reasonable compensation for the service, not exceeding 50 cents per day for each seaman, and to include the same in his account for relief of seamen, forwarding a proper voucher therewith and furnishing satisfactory explanations as to the case. The names of the seamen and the names of the vessels to which they last belonged must be given, and also the number of days occupied in their transportation. (Form No. 84.)

**291. Passage money to be paid from arrears of wages, etc.**—The amount to be paid at the Treasury Department for the passage of a seaman to the United States on a consular certificate is to be estimated with the expenses of the seaman and deducted from his arrears of wages or the extra wages in the same manner as the expenses for relief that are paid directly by the consular officer. When, also, a seaman is sent to an intermediate port, if any part of the arrears of wages or the extra wages is available for the purpose, the amount paid in advance for his passage, or requested to be paid, by the consular officer at the port of destination should be deducted in like manner.

**292. Accounts and drafts.**—All accounts relating to the relief and transportation of destitute seamen must be in the name of the principal consular officer, and drafts on the Secretary of the Treasury must be made by those officers only. No account or draft of a vice-consul or vice-commercial agent or consular agent will receive attention, unless in the absence of the principal consular officer from his post, in which case a certificate of that fact must accompany the account or draft. (Paragraphs 557, 558.)

## ARTICLE XVII.

### DESERTION OF SEAMEN.

**293. Desertion, how punished.**—It is provided by statute that desertion shall be punished by imprisonment for not more than three months, and by the forfeiture of all or any part of the clothes or effects the deserter leaves on board, and of all or any part of the wages or emoluments which he has then earned; and that when a seaman or apprentice neglects or refuses to join the ship, or deserts from or refuses to go to sea in any vessel in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave at any place out of the United States, he may be apprehended

and detained or conveyed on board. It is also made the duty of consular officers to reclaim deserters and to employ the local authorities for the purpose whenever that can be done.—*R. S.*, secs. 4596, 4599, 4600. (Paragraph 299.).

**294. Desertion defined.**—Desertion is defined to be the quitting of the ship and her service by one of the ship's company without leave and against the obligation of the party and with an intent not again to return to the ship's duty. Neglect or refusal to rejoin the ship after an absence with leave when ordered to return is desertion; but it is not desertion when a mariner, through excess of indulgence, overstays his time of leave, and when he has not refused or neglected to comply with an order to return; nor when the seaman leaves the ship on account of cruel or oppressive treatment, or for want of sufficient provisions in port when they can be procured by the master, or when the voyage is altered in the articles without consent.—*18 Fed. Rep.*, 605; *39 Id.*, 624. Where a seaman signs articles for a voyage, agreeing to go to the port where the vessel is lying to join her, and fails to do so, he is a deserter.—*53 Fed. Rep.*, 551.

**295. Casual overstay not desertion.**—A casual overstay of leave is not desertion; nor is the going ashore without leave, but with the intent to return. The consular officer will be careful to inquire on these points, as sailors on shore often overstay their leaves of absence. He will also take care to assure himself that a reported desertion has not been fraudulently favored or permitted by the master for the purpose of avoiding the payment of extra wages upon a regular discharge of the seaman.—*2 Ben.*, 189.

**296. Forfeiture of clothes, wages, etc.**—The clothes, effects, and wages which are forfeited for desertion are to be applied in payment of the expenses occasioned by the desertion to the master or owner of the vessel from which the desertion took place, and the balance, if any, is to be paid by the master or

owner to any shipping commissioner resident at the port at which the voyage of the vessel terminates. In all cases of forfeiture of wages, the forfeiture shall be for the benefit of the master or owner by whom the wages are payable.—*R. S.*, sec. 4604. Under the provisions of this statute it has been decided that a consular officer has no authority to demand and receive from the master the money and effects belonging to a deserter from the vessel.—*14 Op. Att. Gen.*, 520.

**297. Upon sale of vessel abroad.**—If a vessel is sold in a foreign port and the master then has a balance of wages of a deserter in his hands which would be delivered to the shipping commissioner if the voyage were to terminate in a port of the United States, the consul may properly demand such balance; and he is instructed to make the necessary inquiries of the master in this respect. If the master refuses to comply with the demand, the consul will report the facts, together with the amount of the balance and the name of the deserter, to the Department of State. If the master complies with the demand, it will be the duty of the consul to give a receipt for any money delivered to him, and to transmit the amount, through the Department of State, to the shipping commissioner at the port to which the vessel belonged, or, if there is no shipping commissioner, then to the district judge for the district in which the port is situated. (Appendix V.)

**298. Consul to protect fund arising from forfeitures.**—The balance of the proceeds of the forfeited clothes, effects, and wages of deserters, to be paid to the shipping commissioner, ultimately goes into a fund for the relief of sick and disabled and destitute seamen. It is the duty of a consular officer, so far as possible, to protect this fund. To that end, therefore, he will require the master, when a desertion list is to be settled and certified, to exhibit his slop-book and an account of all items charged against the seaman, and the amount, if any, due to him from the ship at the date of desertion. He will

closely examine the account of the ship against the seaman, and he may withhold his approval, if he shall be satisfied that the account is overstated, or the prices of articles are extortionate, or that the account is fraudulent in any respect, until the master shall consent to its rectification. In settling the account of a deserter's wages, or his interest in the cargo, no allowance or deduction shall be made except for moneys actually paid, or goods at a fair price supplied, or expenses incurred for the seaman, any receipt or voucher from or arrangement with the seaman to the contrary notwithstanding.—*R. S.*, secs. 4545, 4604.

**299. Arrest of deserters.**—In countries with which the United States have stipulations by treaty or convention providing for it, or where it is permitted by the local authorities, consular officers may cause the arrest of deserters and imprison them until required by the master or send them on board. (Forms Nos. 31, 32, and 34.) The imprisonment, however, is only in order to detain the deserter, and not to punish him, and there is no authority for its infliction at the request of a master after the discharge of a seaman from his contract with the vessel. Apart from the stipulations of treaty, the local laws of a country often provide for the arrest of deserters in order to prevent their becoming a public charge, and these laws may be availed of by consular officers. Authority for the arrest and detention is also granted in some countries as a matter of comity or has the sanction of long-established usage. But in the absence of a treaty or convention, a consular officer can not claim as a right from the local authorities the detention or return of a deserter.—*1 Curtis*, 69. (Paragraphs 88, 306, 320.)

**300. Desertions to be noted on crew list.**—It is the duty of a master, when a desertion occurs, to note the fact on the list of the crew (Form No. 33), and to have the desertion officially authenticated at the port or place of the consular office where



it takes place, if it is possible; if not, at the consular office : the port first visited by the vessel after the desertion, if shall have occurred in a foreign country. If the vessel is at port where there is a consular officer, it is the duty of the master to report to the latter the desertion of a seaman within forty-eight hours thereafter. This provision is to be construed in connection with the provision that the bond given by the master for the return of the seaman shall not be forfeited on account of his absconding, of which satisfactory proof is to be exhibited to the collector. (Paragraph 205.)

**301. Desertions connived at by masters.**—Consular officers are enjoined to take every proper measure to discourage and defeat any proceedings on the part of masters under which seamen are permitted or forced to desert and subsequently come upon the consulate for relief. And with this view they are forbidden to certify the desertion list of any master until it is satisfactorily shown that the desertion was not consented to or abetted by the master or his officers or was not made justifiable by the conduct on their part toward the seaman and that all proper efforts were made to recover and secure the deserter. No seaman can be said to abscond who openly goes off with the consent of the master or under circumstances showing the desire or intention to get rid of him.—*24 C. Cl. R.*, 160. When, therefore, the consular officer is satisfied that the seaman did not abscond or that he could have been reclaimed if the master chose to make an effort for that purpose, he is instructed to decline making any certificate which would facilitate the master in evading the obligation of the bond for the return of his crew.

**302. Desertion from cruel treatment.**—It is by law made the duty of consular officers, in cases where deserters are apprehended, to inquire into the facts; and if he is satisfied that the desertion was caused by unusual or cruel treatment, the mariner shall be discharged and receive, in addition to his wages

to the time of the discharge, one month's pay; and the consular officer discharging him shall enter upon the crew list and shipping articles the cause of discharge and the particulars in which the cruelty or unusual treatment consisted, and subscribe his name thereto officially.—*R. S.*, *sec. 4600*; *23 Stat. L.*, *55, sec. 6*. It will be observed that the enforcement of this provision is imperative, and not discretionary, with the consular officer, when he is satisfied that the cause of the desertion is within its terms. The disposition of the extra wages in such a case is controlled by the general provisions of statute under which the extra wages are payable to the seaman, after deducting the expense of his relief and transportation.—*R. S.*, *sec. 4581*; *23 Stat. L.*, *55, sec. 7*.

**303. Desertions subsequently found to be fraudulent.**—If, after the vessel has sailed and the desertion has been certified on the crew list, it shall appear that the desertion was within the provisions of paragraphs 301 and 302, the consular officer will at once report the facts and circumstances to the Department of State, when measures will be taken, through the proper law officer of the Government, to set aside the consular certificate and to enforce the penalty of the bond given by the master for the return of the seaman.

**304. Desertions to be reported within forty-eight hours.**—Masters often neglect to report desertions until a considerable period after they occur or until the vessel is about to sail, and consequently no effort is made, or can successfully be made, for the recovery of the deserters who subsequently come upon the consulate. In order, therefore, to aid in the enforcement of these regulations, the regulation by which the master of a vessel is required to report the desertion to the consular officer within forty-eight hours after it has occurred must be strictly insisted upon. If the master neglects so to report the desertion, the consular officer is authorized and directed to decline to certify the desertion

on the crew list. He may, however, formally discharge the seaman.

**305. Not to use relief so as to encourage desertion.**—The benefits of the law are sometimes imperatively invoked, as in the case of a mariner driven from his ship by intolerable treatment—treatment proceeding sometimes from reckless cruelty, and sometimes, as is believed, with a design to make the seaman leave his vessel when his services have ceased to be of value for the completion of the cruise. It is believed that the foregoing instructions will be sufficient to meet such cases; but consular officers are cautioned so to use the funds appropriated for relief as not to encourage seamen to break their shipping engagements from a confidence that in so doing they do not forfeit their claim to relief and protection. (Paragraphs 250, 266, 267.)

**306. Treaty provisions as to desertion.**—Authority has been provided for in treaties and conventions with several powers under which the assistance of the local authorities may be invoked for the arrest and detention of deserters. In other countries the privilege is accorded as a matter of comity or is established by long usage. The consular officer will inform himself of the provisions in this respect of the particular treaty or convention by which the authority is conferred, or of the practice under the comity or usage; and in making his request he will be careful that his proceedings conform thereto. Such requests are to be made upon the application of the master, and the expenses attending the proceeding are to be paid by him. A general form of request will be found in Form No. 34. In case of a refusal by the local authorities to render the aid stipulated for in a treaty or convention, the consular officer will at once communicate all the facts, with copies of the correspondence, to the diplomatic representative of the United States, if there be one in the country, and to the Department of State. (Paragraphs 88, 299.)

## ARTICLE XVIII.

## DISPUTES BETWEEN MASTERS, OFFICERS, AND CREWS.

**307. General principle.**—It is part of the law of civilized nations that when a merchant vessel of one country enters the ports of another for the purposes of trade it subjects itself to the law of the place to which it goes, unless by treaty or otherwise the two countries have come to some different understanding or agreement. From experience, however, it was found long ago that it would be beneficial to commerce if the local government would abstain from interfering with the internal discipline of the ship and the general regulation of the rights and duties of the officers and crew toward the vessel or among themselves. And so by comity it came to be generally understood among civilized nations that all matters of discipline and all things done on board which affected only the vessel or those belonging to her, and did not involve the peace or dignity of the country, or the tranquillity of the port, should be left by the local government to be dealt with by the authorities of the nation to which the vessel belonged as the laws of that nation or the interests of its commerce should require.—*120 U. S., 1.*

**308. Treaties.**—In many instances by treaty and consular convention the United States have secured to their consular officers jurisdiction over questions of wages, shipment, and discharge of seamen, and over all transactions occurring on board vessels of the United States lying in a foreign port, whether in the nature of contracts, torts, or crimes, so far as they concern only the vessels and their cargoes and the persons belonging on board. If they concern the public peace of the country, or the rights of persons not belonging on board, they are subjects of local jurisdiction. A list of these treaties and conventions will be found in Appendix III, and the countries with which stipulations have been provided for

disputes between masters and crews are mentioned in paragraph 88.—*Dana's Wheaton, sec. 110n.*

**309. Extent of treaty jurisdiction.**—In some treaties the jurisdiction of the consular officer is restricted to differences in regard to wages; in others it is extended to all disputes, whether arising out of tort or contract; and in some cases the consular officer is authorized to call upon the local authorities to give forcible assistance to preserve and enforce his decisions and to imprison the crew of a vessel. Whenever a case arises, reference must be made to the provisions of the particular treaty or convention with the country in which the consular officer is acting for the extent of his jurisdiction in these respects. In countries in which consular courts are provided for, the proceedings will be in accordance with the rules and regulations prescribed in conformity with law.

**310. In the absence of treaty.**—In the absence of a treaty or convention with the country within which the consular officer resides, he has no jurisdiction in differences and disputes between masters and crews or between American citizens, except in so far as it may be permitted by the foreign State through the exercise of comity, or reciprocity, or by long-established usage. As respects such disputes and differences, the adjustment is to be made, whether under treaty or otherwise, in accordance with the laws of the United States, and not with those of the foreign power. The rule is that all matters growing out of contract with the crew or affecting the police of the ship are subject to the laws of the State to which the vessel belongs. Although such matters may in some countries be submitted to the local tribunals, the proceeding should be discouraged as undesirable in many respects. In countries with which the United States have no treaty or convention, but in which a permissive jurisdiction has been granted or acquired, a consular officer should be careful to avail himself of it.

**311. Rule in United States courts.**—While courts in the United States insist upon the right to jurisdiction over foreign merchant vessels when in ports of the United States, except in so far as affected by treaty, they usually decline to exercise it in cases of disputes between masters and seamen of foreign vessels when the nation to which the vessel belongs has provided for the settlement of such disputes before its own consuls, on the ground that such noninterference is necessary to the proper police regulation of the merchant marine of nations. The exceptions to the rule are few, as when a master has been guilty of extreme cruelty, or when there is a manifest disregard of the contract which would operate unjustly to the seaman if he were compelled to await a return to his own country before he could resort to the courts.—*120 U. S., 1.*

**312. Liberty of the crew to complain.**—The master of a vessel is required by law to give the crew full liberty to lay their complaints before the consular officer, and not to restrain them from coming ashore, unless some sufficient and valid objection exist thereto; in which case, if any mariner desire to see the consular officer, it shall be the duty of the master to acquaint the latter forthwith, stating the reason why the mariner is not permitted to land, and that he is desired to come on board. The consular officer, on receiving such information, will repair on board without delay, and inquire into the causes of the complaint, and will proceed therein as the law directs.—*R. S., sec. 4567.*

**313. Right of complaint protected by courts.**—The right of the seaman to lay his complaint before the consular officer in a foreign port is one of great importance to him, and is carefully protected by the courts. When a seaman files a libel in a court of admiralty and maritime jurisdiction, alleging that the master had maltreated him while in the service of the ship, and his allegations are proved, the court decrees damages in accordance with the facts. And if it appear

that the master denied the seaman liberty to lay his complaints before the consular officer in a foreign port, such denial is an aggravation of his offense and enhances the amount of the decree. And in particular instances, by act of Congress, a penalty is imposed upon a master who refuses his crew the right to lay their complaints before the consul.—*R. S., sec. 4567; 1 Sprague, 62; Id. 163; 1 Curtis, 69.*

**314. Consul to see that right is allowed.**—The consular officer is regarded as the adviser and counsel of the seaman, and it is enjoined upon him to see that the latter is unrestricted in the privilege to submit his complaint. If there is reason to believe that a seaman is restrained in any way from appearing at the consulate, in order to prevent his application to the consular officer, the latter will not wait for the complaint, but will at once proceed on board or take the proper steps to secure his appearance before him. The investigation of these cases is often tedious, the evidence is apt to be conflicting, and the consular officer will require the use of all his good judgment, forbearance, discretion, and good temper.

**315. Complaint of unseaworthiness.**—Provision has been made by statute for the examination of complaints in respect to the unseaworthy condition of the vessel and insufficient equipment or supplies, and for the proceedings of consular officers in such cases. It is the duty of the latter, when such complaints are submitted to him, to appoint inspectors to examine into the causes of complaint, who have authority to inspect the vessel and to take the necessary proofs. The consular officer may approve the whole or any part of the inspectors' report; and if it is found that the vessel was sent to sea unsuitably provided, by neglect or design, he may discharge the crew with the arrears of wages and one month's extra wages. (Paragraphs 207, 243.) If, however, the deficiencies were the result of mistake or accident, and are remedied within a reasonable time, the crew must remain; if

not so remedied, the consular officer may discharge the crew, on their request, with the arrears of wages, but without any extra wages. (Paragraph 208.) Provision has also been made for the payment of the expenses of these proceedings by the master or those of the crew who make the complaint, and for a penalty on the master for refusal. In cases of this kind the consular officer will be careful to consult the full text of the statute.—*R. S.*, secs. 4559–4563.

**316. Complaint as to provisions or water.**—When three or more of the crew of any merchant ship of the United States, engaged according to the provisions of the statute, make complaint to a consular officer of the United States that the provisions or water for the use of the crew are at any time of bad quality, unfit for use, or deficient in quantity (see Form No. 27), such officer shall thereupon examine the said provisions or water or cause them to be examined, and, if they are found to be of bad quality and unfit for use, or deficient in quantity, he shall signify the same in writing to the master of the ship (Form No. 28). If the master shall not thereupon provide other provisions or water when the same can be had, or does not procure the requisite quantity, or uses any which have been thus signified to be bad, he shall, in every case, incur a penalty not exceeding \$100. In each case the consular officer will enter the result of the examination in the log book of the vessel (Form No. 29) and send a report thereof to the district judge of the port to which the vessel is bound (Form No. 30). If he certifies in such statement that there was no reasonable ground for the complaint, each party complaining shall be liable to forfeit to the master or owner one week's wages out of his wages.—*R. S.*, secs. 4565, 4566.

**317. When provisions are reduced.**—If, during a voyage, the allowance of any of the provisions which any seaman has, by his agreement, stipulated for, is reduced, except in accordance with any regulations for reduction by way of punish-



ment, contained in the agreement, and also for any time during which such seaman willfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct, either on board or on shore; or if it is shown that any of such provisions are, or have been during the voyage, bad in quality and unfit for use, the seaman shall receive by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to and to be recoverable as wages: First, if his allowance is reduced by any quantity not exceeding one-third of the quantity specified in the agreement, a sum not exceeding 50 cents a day; second, if his allowance is reduced by more than one-third of such quantity, a sum not exceeding \$1 a day; third, in respect of bad quality as aforesaid, a sum not exceeding \$1 a day. But if it is proved that any provisions, the allowance of which has been reduced, could not be procured or supplied in sufficient quantities, or were unavoidably injured or lost, and that proper and equivalent substitutes were supplied in lieu thereof in a reasonable time, the court shall take such circumstances into consideration, and shall modify or refuse compensation, as the justice of the case may require.—*R. S., sec. 4568.*

**318. Forms of proceeding.**—The form of proceeding in the adjustment of the differences between masters and seamen should be as simple and summary as the nature of the case and justice to the parties will allow. The complaint upon which any proceeding is founded should be verified by the oath of the person making the complaint. Due notice of the nature of the complaint and of the time of the hearing should be given to the adverse party and all other persons in interest.

**319. The hearing.**—On the day of the hearing, the defendant should be required to answer, in writing, under oath, or

be adjudged in default. At the hearing each party should have an opportunity to cross-examine the witnesses produced by the other party, and to testify himself, on oath, if he wishes. The consular officer will render such summary judgment as the case may require, and may order that each party shall pay his own costs, or that one party shall pay all the costs, in his discretion. The costs shall be at the rates named in the tariff of fees, for any services coming within the tariff, and the costs and expenses of the process; but no hearing is to be extended beyond one day, unless absolutely necessary.

**320. Application to authorities.**—In countries with which the United States have treaty stipulations providing for assistance from the local authorities, consular officers are instructed that it is undesirable to invoke such interposition unless it is necessary to do so. In cases of arrest and imprisonment they will see, if possible, that both the place of confinement and the treatment of the prisoners are such as would be regarded in the United States as proper and humane. (General forms for requests for arrest, detention, and release of seamen are given in Forms Nos. 31, 32, and 34.) If a request for assistance is refused, the consular officer should claim all the rights conferred upon him by treaty or convention, and communicate at once with the diplomatic representative in the country, if there be one, and with the Department of State. When such requests are made in accordance with long-established usage, he should, when they are refused, make suitable representations to the proper local authority, and likewise advise the legation and the Department. (Paragraph 299.)

## ARTICLE XIX.

### WRECKED AND STRANDED VESSELS, AND SURVEYS.

**321. Consuls to take measures to save wrecks.**—Consular officers, in cases where vessels of the United States are stranded on

the coast of their consulates, respectively, are required by law, as far as the laws of the country permit, to take proper measures, as well for saving such vessels, their cargoes, and appurtenances, as for storing and securing the effects and merchandise saved, and for taking inventories thereof; and the merchandise and effects saved, with the inventories, must, after deducting therefrom the expense, be delivered to the owner or owners. But no consular officer is permitted to take possession of any such goods, wares, merchandise, or other property when the master, owner, or consignee thereof is present or capable of taking possession of the same.—*R. S., sec. 4238.*

**322. Wrecked without and brought into consular district—Disposition of effects.**—All vessels, parts of vessels, and any portion of their cargo, belonging to citizens of the United States, saved and brought into the consular jurisdiction after being wrecked, or in consequence of any disaster at sea, are to be proceeded with in the same manner as if the vessel had stranded within the consular jurisdiction; and if salvage be claimed and allowed by a competent tribunal, the remainder of the effects, or the proceeds thereof, if sold, shall be disposed of in the same manner as is directed in Article XXIII of these Regulations respecting the personal effects of citizens dying without the United States; provided, in the case of salvage, that the court deciding the same shall permit the consular officer to receive the effects and remainder of the property after the salvage is paid. The 5 per cent official fee prescribed (paragraph 533, Fee No. 15) for settling estates is not chargeable for services required by this paragraph.

**323. Wrecking companies.**—In some countries chartered companies have the privilege of taking possession of all property wrecked; in others it may be vested in particular magistrates or officers. In such cases the consular officer is not to interfere with the legal function of the proper officer, but he may

ask leave, as the representative of the absent master or owner, or as his official adviser, if he be present, to assist at the taking of the inventory, the sale, and all other proceedings in relation to the property. It is his duty to protect the interest of the owner, and, if his reasonable requests are not complied with, to take the necessary evidence of the facts in the case and transmit it to the Department of State.

**324. Wreck to be reported.**—When any American vessel is wrecked within his jurisdiction, the consul is to give notice to the Department of State, naming the vessel and her owners or master, and giving the circumstances attending the loss. If there is an agent of the American underwriters in his jurisdiction, he will cooperate with him. (Paragraph 336.)

**325. Proceedings.**—When there is no impediment from the laws of the country, all proceedings in relation to property wrecked are to be the same as those prescribed in the case of property of citizens dying without the United States (Article XXIII), and so also with regard to the taking possession and disposing of whatever effects, whether wrecked, abandoned, or otherwise unrepresented, within a consulate belonging to any citizen of the United States.

**326. Property of unknown citizens.**—A consular officer is allowed to institute proceedings for the recovery of property in behalf of citizens of his own country, although they may be unknown to him; yet restitution can not be decreed without specific proof of the individual proprietary interest.

**327. Rescue from shipwreck.**—Whenever a consul shall receive authentic intelligence of the rescue from shipwreck of seamen or citizens of the United States by the master or crew of any foreign vessel, he will, without delay, transmit to the Department of State a statement of the facts, including the name of the master of the foreign vessel and of the country or port to which he may belong, and also the names of such

of the crew as may have especially distinguished themselves. This statement will be laid before the President, who is expressly authorized by Congress to make suitable acknowledgments to the masters and crews of foreign vessels for their services in rescuing from shipwreck citizens and vessels of the United States.—*29 Stat. L., 30.* The consul will state in his report the names of the passengers and crew who may have perished, and also of the survivors, and what disposition has been made of them. The statement of the consul should be full and precise in details, and such as to enable the Department to determine the hazard incurred in the rescue, and to adjust the testimonial to the degree of merit shown by those taking part on the occasion. The provisions respecting such acknowledgments apply only to the masters and crews of foreign vessels, and not to those of American vessels.

**328. When consul may reward rescuing crew.**—If, after investigating the facts and circumstances of the rescue, in the judgment of the consular officer, the master and the rescuing boat's crew, or any of them, are deserving of reward, he is authorized to pay to such master and boat's crew, or to any of them, without previous reference of the matter to the Department of State, a sum of money in gold, ranging from \$5 to \$25, according to the rank and merit of the recipient. These payments may be made out of any public funds on hand, or, in case there is not in his possession sufficient public money available for the purpose, he is authorized to draw on the Secretary of State, at fifteen days' sight, for a sufficient amount. In either case a separate account of the expenditure, supported by vouchers, must be sent to the Department immediately on payment of the money. (Form No. 170.)

In making these awards it is expected that consular officers will exercise due diligence and sound discretion. Humane as well as heroic action is deemed deserving of recognition, though in a less degree; and sacrifice of business interests

as well as disregard of personal peril. Volunteer efforts should also be rated higher than compulsory action under the orders of a superior.

Accompanying the account should be sent a full statement of the facts of each case, in conformity with the provisions of the foregoing paragraph, in order that the Department may determine what further action, if any, should be taken to do justice to all the parties to the rescue.

When the action of the master or any member of the crew is deemed deserving of a more liberal acknowledgment, or one different from that herein authorized to be made, the report should fully demonstrate his title to other or additional recognition.

**329. Aid to shipwrecked Americans.**—Consuls will promptly render such assistance as may be in their power to their shipwrecked countrymen, and institute, whenever it is practicable, energetic proceedings for the protection of their property; but this instruction gives no authority to incur any expense therefor in the expectation of its being defrayed by the Department of State, the appropriation for the relief and protection of American seamen in foreign countries, which is made by Congress, not being applicable to any purpose except the relief of persons who are actually “seamen.” Whenever it is necessary for the safety of property, consuls will apply to the local authorities for assistance.

**330. Papers to be preserved.**—Consuls will carefully collect and preserve all the papers and documents relating to the ship or its cargo, or to the passengers, and deliver them to the parties to whom they belong, or to the representatives of such parties, or, in the event of their death or nonappearance, they will transmit them to the Department of State. It is the duty of the consul to ascertain, in all cases of wrecks in his district, what became of the register of the vessel; and whenever he can obtain it, he should transmit it without delay to the

Treasury, through the Department of State, with his report of the circumstances of the wreck. The master may, however, retain one-half of the register if he is present.

**331. Where wreck is sold to foreigners.**—Where a wrecked vessel is sold to foreigners and repaired, one-half of the register should be sent to the Treasury, through the Department of State, and the other half delivered to the old master for surrender to the collector of customs. In like manner whenever a registered vessel of the United States is sold abroad to persons not citizens of the United States, one-half of the register should be sent to the Treasury, through the Department of State, and the other half given to the old master for surrender to the collector of customs. If the purchaser is a citizen of the United States, the whole register should be delivered to the new master or other person having the charge or command of such vessel, and a new register obtained therefor pursuant to section 4166 of the Revised Statutes. (Form No. 67.)

**332. Sale by master.**—The master of a ship may in some cases sell the ship; but the sale to be valid must be shown to have been the result of urgent necessity. It is not enough that it was bona fide and for the benefit of all concerned. What circumstances of necessity will justify a sale by the master it would be difficult to define. Generally, it may be stated that if the ship can not be repaired in the place where she is, save at a ruinous cost, or if she can be so repaired, yet the master has not the means of repairing without a delay equally injurious to his owners, or can not communicate with them in due time without exposing their property to imminent risk, in such cases the master has the super-added authority to sell his ship. The law imposes on the purchaser, however, the duty of ascertaining the circumstances under which the sale was made and the burden, if it is afterwards contested, of proving that it was justified by

legal necessity. He can not adduce a consular or admiralty survey, or the proceedings and decree of a vice-admiralty court, or the order of any Government authority, as precluding the most searching examination by the courts into the circumstances of the transaction.—*Swabey, 145; 2 Wash. C. C., 150; 13 Peters, 387; 5 Mason, 465.*

**333. Surveys.**—A consular officer is often applied to for the authorization of a survey of a vessel, as in the case of a wreck or of the damaged or unseaworthy condition of the vessel. The general mode of proceeding in such cases is shown in Forms Nos. 42–51. In case he is called upon to give certified copies of such documents, he may follow Form No. 52. If the vessel is in a sinking condition, he may apply to the proper authority to know where she shall be grounded (Form No. 53).

**334. Bottomry and sale.**—After the estimate of damage, the master may endeavor to borrow on bottomry the necessary funds for repairs; and in case of inability to do so, he may be forced to sell the vessel. The proceedings in such cases are shown in Forms Nos. 54–65 and 67. If the necessary funds are procured, and a bottomry bond is given and acknowledged before the consular officer, Forms Nos. 68–73 may be used.

**335. Forms.**—The consular officer will be careful to note that such of these forms as relate to unofficial documents, as well as those referred to in paragraph 168, are given for his general information and not as absolute guides in all cases. The Department of State assumes no responsibility for their correctness in any particular case in which they may be used. (Paragraph 464.)

**336. Consuls and underwriters' agents.**—In cases of wrecks and surveys, a consular officer will, so far as may be consistent with the proper discharge of his own duties, cooperate with the recognized agent of American underwriters, if there be one at the port and if the vessel or cargo has been insured in



any company which the agent has authority to represent. It is not intended that such cooperation shall have the effect of superseding the consular officer in cases where the duties of the two officers may be the same, but only that it shall embrace those matters, not conflicting with his public duties, in which his position and authority may properly be used to promote the interests of the underwriters. All surveys of vessels and damaged goods are to be inaugurated and conducted under the authority and supervision of consular officers; and when a master undertakes to conduct the proceedings without such sanction and authority, he is none the less liable for all lawful consular fees and charges.

**337. Consular fees.**—The proceedings of a consular officer in these respects will be determined by the provisions of law and treaty, the custom of the port, and the wishes and duties of the master of the vessel. If the services to be rendered in behalf of the ship or cargo are such as the consular officer is authorized by law or usage to perform, it is the duty of the master to apply to him for them; and the statute provides as a penalty for neglect or refusal to do so that the papers of the vessels shall be retained until the proper consular fees are paid. In certain cases it is the duty of the consular officer to order a survey, whether with the consent of the master or not.—*R. S., secs. 1718, 4559–4563.*

**338. Jurisdiction by treaty.**—In countries with which the United States have treaties providing for the jurisdiction of a consular officer over wrecks, damages to cargoes, and salvage it is his duty to exercise that jurisdiction for the protection of the interests of all concerned. Consular officers should satisfy themselves of the extent of the authority granted by the treaty or acquired by established usage in these respects in their several countries, and should conform their proceedings thereto. It belongs to the master, as the representative of the owners of the vessel and cargo—except

where otherwise provided by law—to decide whether he will call for a survey, and in the absence of a request from him a consular officer is usually not authorized to direct a survey to be made. If, however, the master neglects or refuses to apply for services which it is the duty of the consular officer by law or usage to perform and obtains the services through other agents, he should be advised of the provisions of law respecting such neglect or refusal.

**339. In Spanish West Indies.**—By a royal decree of July 28, 1868, consular officers in the Spanish West Indies are authorized to direct all the operations of salvage in the cases of vessels of their nationality wrecked in their several jurisdictions, as representatives of the owners. The local customs officers are required to give all necessary assistance in saving the ship and cargo, and measures are to be taken between the two classes of officers for the custody and sale of the wreck and cargo and the collection of duties.

**340. Treaties to be consulted.**—Consular officers will consult the text of treaties affecting proceedings concerning wrecks in all cases in which they may have occasion to act under them. If the assistance stipulated for is refused in any case, or the treaty provisions are ignored in any respect, they will at once advise the diplomatic representative of the United States, if there be one in the country, and the Department of State. (Paragraph 90.)

#### ARTICLE XX.

##### AMERICAN OR FOREIGN BUILT VESSELS TRANSFERRED ABROAD TO CITIZENS OF THE UNITED STATES.

**341. Right to acquire property in foreign ships.**—The right of citizens of the United States to acquire property in foreign ships has been held to be a natural right, independent of

statutory law, and such property is as much entitled to protection by the United States as any other property of a citizen of the United States.

**342. Treasury regulations—sea letters.**—The existing general regulations of the Treasury Department under the customs and navigation laws (Customs Regulations, 1892) recognize the right of property in vessels of this character and declare them to be entitled to the protection of the authorities and to the flag of the United States, although no register, enrollment, license, or other marine document prescribed by the laws of the United States can lawfully be issued to such vessels whether they are American or foreign built. The former practice of issuing sea letters in the case of the purchase abroad of American or foreign vessels by citizens of the United States is no longer authorized. Nevertheless, though the issuing of sea letters to such ships is not now authorized, yet there would seem to be no good reason upon the face of our present legislation why the Department of State should not resume the practice, in case the United States should be a neutral in a war between maritime powers, if it should deem such letters more protective in their character than consular or customs certificates of sale.

**343. Record of bill of sale, certificate, etc.**—In view of existing regulations, and to enable the owners of a vessel so situated to protect their rights, if molested or questioned, a consular officer, though forbidden by law to grant any marine document or certificate of ownership, may lawfully make record of the bill of sale in his office, authenticate its execution, and deliver to the purchaser a certificate to that effect; certifying, also, that the owner is a citizen of the United States. Before granting such a certificate the consular officer will require the tonnage of the vessel to be duly ascertained in pursuance of law and insert the same in the description of the vessel

in his certificate. (Form No. 35.) These facts thus authenticated, if the transfer is in good faith, entitle the vessel to protection as the lawful property of a citizen of the United States; and the authentication of the bill of sale and of citizenship will be *prima facie* proof of such good faith.

**344. Consul's responsibility.**—The authority of a consular officer to authenticate the transfer of a foreign vessel is wide in its effects and imposes great responsibility in making him, in the first instance at least, the sole judge of the good faith of the transaction. The question of the honesty and good faith of such a sale rises into the gravest importance in the event of a war between two or more powers in which the Government of the United States is a neutral. In such a war experience justifies the expectation that the citizens or subjects of one or more of the belligerents will seek to protect their shipping by a transfer to a neutral flag. In some instances this may honestly be done; but the sales of the vessels of belligerents in apprehension of or in time of war are always and properly liable to suspicion, and they justify the strictest inquiry on the part of the belligerent who may thereby have been defrauded of his right to capture the enemy's property. The acceptance of the pretended ownership of a vessel under these circumstances may be very profitable; and the temptation to abuse his trust in such a case to which a consular officer is subjected may be too great for persons of ordinary integrity, discernment, and firmness to withstand. Instances are not wanting in which citizens of the United States who were wholly incapable, from their previous well-known condition and pursuits, of making such a purchase have appeared as owners under sales of this character and have sought for them the protection of the Government.

**345. Careful investigation enjoined.**—It is the duty of a consular officer to use all available means, especially during the existence of a war to which this Government is not a party, to

satisfy himself that the sale of a vessel is made in good faith and without a fraudulent intent. A considerable discretion and responsibility rest upon him in the determination of the good faith of such transactions. It is not to be concluded that all such sales, even in time of peace, are honest and free from collusion or fraud. It is the duty of the consular officer to notice all circumstances that throw doubt on the good faith of the transaction or point to its fictitious character, and, if he is satisfied in this respect, to refuse to grant his certificate. On the other hand, he is not permitted to regard the mere fact of the sale of a vessel to a citizen of the United States as any evidence of fraud. The presumption must be otherwise, and, in the absence of any indication of dishonesty, a sale in the regular way, with the usual business formalities, is to be regarded as made in good faith.

**346. Certificate, when to be issued.**—When a consular officer shall have satisfied himself, after the investigation with which he is charged, that the sale of a vessel is not fictitious and is made in good faith, and that the purchaser is a citizen of the United States, it is his duty, when requested, to record the bill of sale in the consulate, and to deliver the original to the purchaser, with his certificate annexed thereto, according to Form No. 35. A copy of the bill of sale, together with any other papers belonging to the transfer, and of the consular certificate should be sent without delay to the Department of State, with a report of the facts and circumstances of the transaction.

**347. Right to fly the flag.**—The privilege of carrying the flag of the United States is under the regulation of Congress, and it may have been the intention of that body that it should be used only by regularly documented vessels. No such intention, however, is found in any statute. And as a citizen is not prohibited from purchasing and employing abroad a foreign ship, it is regarded as reasonable and proper that he

should be permitted to fly the flag of his country as an indication of ownership and for the due protection of his property. The practice of carrying the flag by such vessels is now established. The right to do so will not be questioned, and it is probable that it would be respected by the courts.

**348. Disabilities of foreign-built vessels.**—It should be understood that foreign-built vessels not registered, enrolled, or licensed under the laws of the United States, although wholly owned by citizens thereof, can not legally import goods, wares, or merchandise from foreign ports, and are not allowed in the coasting trade.—*R. S. secs. 2497, 4311.*

**349. Forfeiture and tonnage duties.**—On arrival from a foreign port undocumented foreign-built vessels, if laden with goods, wares, or merchandise, may, with their cargoes, be subjected to forfeiture.—*R. S., sec. 2497; see Tariff act of 1894, sec. 15.* If in ballast only, or with passengers without cargo, they will be subject to a discriminating tonnage duty.—*R. S., sec. 4219; 19 Stat. L., 250.* When in foreign ports they are also subject to tonnage and other consular fees from which regularly documented vessels are exempt. For instructions respecting the shipment and discharge and relief of seamen on vessels of this character, and the collection of extra wages, consular officers are referred to the several articles on these subjects.

#### ARTICLE XXI.

#### MUTINY AND INSUBORDINATION, AND THE TRANSPORTATION OF PERSONS CHARGED WITH CRIMES AGAINST THE UNITED STATES.

**350. Consul to intervene in case of mutiny.**—If American seamen on board of a vessel of the United States either arrive at a port in a state of mutiny, or a mutiny occurs in port which can not be quelled by the captain, and the captain can

not navigate his ship to the United States with the mutineers on board, the consular officer should, if the laws of the country permit, cause the mutineers to be confined and sent home for trial, unless, in his judgment, the ends of justice will be best subserved by discharging them, in view of unjustifiable cruelty of the captain, or other sufficient cause; and, in the latter case, he will be careful to report to the Department of State at length the reasons for his course.

**351. Mutiny defined.**—In a decision of the Supreme Court of the United States it was held that mutiny consists in the crew of a vessel, or any one or more of them, endeavoring to overthrow the legitimate authority of the commander with the intent to remove him from his command. This may be by resisting him in the exercise of his authority, or by actual usurpation of the command. Mere insolent conduct toward the master, disobedience of orders, or violence committed on the person of the master, unaccompanied by other acts showing an intention to subvert his command as master, is not sufficient to constitute the offense of mutiny.—1 *Wheat.*, 417; 54 *Fed. Rep.*, 533.

**352. Insubordination to be discouraged.**—It is made the duty of consular officers to discountenance insubordination by every means in their power, and to invoke the assistance of the local authorities when it can be done. But care should be taken not to confound a casual disobedience of orders or insubordination not endangering the authority of the master with the crime of mutiny. For these offenses the master has the power to inflict adequate punishment. If the vessel is bound for the United States, and if the master is obeyed by a sufficient number of the crew to insure the safe navigation of the vessel, he should continue the voyage, if necessary confining the mutinous seamen on shipboard. The consular officer should not discharge the seaman unless that course is

clearly justified by the circumstances. If the mutiny is of so grave a character as to endanger the safety of the vessel and to call for the punishment of the offenders, he may take from the vessel so many of them, to be sent to the United States for trial, as will relieve the master from reasonable fear. This power should, however, not be exercised for insufficient cause, nor in any case in which the evidence is not likely to afford good ground for conviction. When the mutiny has been provoked by intolerable cruelty or other sufficient cause, the consular officer may discharge such of the crew as he may deem necessary. In other cases, however, he should endeavor to so exercise the right to discharge as not to offer an inducement to fractious and insubordinate characters to incite disturbance or revolt for the purpose of obtaining a release from the ship. A form of certificate and of the consul's decision in cases of insubordination is given in Forms Nos. 40 and 41.—*R. S.*, sec. 4600; *23 Stat. L.*, 55, sec. 6. (Paragraph 320.)

**353. Mutiny in a foreign port.**—If a mutiny or grave offense has been committed on an American vessel in a foreign port, or within the jurisdiction of the foreign state, and the circumstances are deemed to call for the punishment of the offenders, the latter should be delivered to the consular officer to be sent to the United States, unless, in the case of seamen, he shall decide to discharge them from the vessel. He should request the aid of the local authority, if necessary, and if he is authorized to do so by treaty or by the established usage of the place, Forms Nos. 31, 32, 40, and 41 may be used. The consular officer is not authorized, however, to exercise this jurisdiction, except under the provisions of treaty, or by usage, or through the courtesy of the authorities of the country who from motives of comity or reciprocity may be willing to deliver up the offenders.

**354. Investigation by consul.**—In order to determine whether he shall detain or require detention, the consul must inquire



into, and in some sense judge and decide, the question of culpability. He must, of necessity, inquire in the usual way—that is, by hearing testimony not as a judicial officer but as consul. As to judgment—that is, deciding whether to detain or not to detain—he must have large discretion. He need not detain men upon such suspicion of guilt as would justify an examining magistrate in holding to bail within the United States. There is no judge at hand to supervise the propriety of such detention by writ of habeas corpus or to admit bail on motion. The consul, in order to induce him to detain, may well require stronger probable cause of belief in guilt than an examining magistrate. He may do this in the interest of the party, and he may do it in the interest of the Government, which must defray the expenses of the detention and custody of the party and of his conveyance to the United States.—*8 Op. Att. Gen., 380.*

**355. Transportation of persons charged with crime.**—When, however, mutiny or other grave offense against the laws of the United States shall have been committed on board an American vessel on the high seas, and without the jurisdiction of any state, it is the duty of the consular officer into whose district the vessel may come to take the depositions necessary to establish the facts in the fullest manner possible. If the circumstances demand that the offenders should be sent to the United States for trial, he may apply to the local authorities for means to secure and detain them while they remain in port; and in all cases where the vessel is not bound for the United States, he is directed to procure at least two of the principal witnesses to be sent along with the prisoners. And he will, at the same time, promptly transmit certified copies of all the depositions, together with a carefully prepared report of all the facts and proceedings that may aid in establishing the guilt of the offenders, to the United States attorney for the district to which the prisoners are sent, and also a like

report of the case to the Department of State. When practicable to do so, consuls should send the witnesses to the United States in the same ship with the accused, and in all cases should endeavor to get witnesses to the place of trial as soon as possible after the arrival of the accused.

**356. General principles of jurisdiction.**—The general principle on which such offenses are exempted from the cognizance of foreign tribunals is, as stated by Wheaton, that the public and private vessels of every nation, on the high seas, and out of the territorial limits of any other state, are subject to the jurisdiction of the state to which they belong. This jurisdiction, however, is exclusive only so far as respects offenses against its own municipal laws. It is accordingly otherwise with piracy and other crimes against the law of nations. It is asserted that a vessel while upon the high seas is to be regarded as a part of the country whose flag she bears, and that therefore all offenses and crimes against the laws of the country are cognizable by its tribunals alone; and that, as the municipal laws of the state provide for the punishment of offenders in its territory, whether foreigners or its own citizens or subjects, so also this cognizance embraces all persons, without regard to nationality, who have committed offenses against its laws upon its vessels when on the high seas. Whenever, therefore, jurisdiction over offenses or crimes so committed on American vessels is asserted and exercised, as has sometimes been the case, by the courts of a foreign country, it is the duty of the consular officer to protest against any and all proceedings, and to report the facts and circumstances to the Department of State and to the diplomatic representative of the United States, if there be one accredited to the country.—*Dana's Wheaton*, 106, 107. (Paragraphs 307, 308.)

**357. Expenses of detention and transportation.**—The expenses incident to the removal of an offender from a vessel and his

transportation to the United States are usually considerable in amount. In some instances it has been found necessary to employ a keeper for the prisoners; but such an outlay is justified only when the safe-keeping of the accused can not be stipulated for in the contract with the transporting vessel or there are other controlling reasons. Consular officers, therefore, will be careful not to subject the Government to the expense of sending offenders to the United States, and of their imprisonment and trial in this country, unless the offense is of an aggravated character and the evidence is such as to render it probable that a conviction can be obtained.

**358. Transportation not obligatory on shipmasters.**—While masters of American vessels in foreign ports are subject, on the requisition of the consular officer, to convey distressed seamen to the United States, they are not obliged to take on board seamen or other persons charged with crime, to be brought to the United States for trial.—7 *Op. Att. Gen.*, 722. No specific instructions can be given as to the amount a consular officer may agree to allow a master for transporting a prisoner; but the compensation should be reasonable. The amount may be left, by mutual agreement, to the determination of the Department of State, when all the circumstances shall have been presented after the arrival and delivery of the prisoner to the proper authorities.

**359. Accounts.**—All disbursements and expenses incurred by consular officers for the arrest, imprisonment, and transportation of persons accused of crime against the United States should be stated in a separate account and transmitted to the Department of State, supported by proper vouchers; and the draft therefor, when there are not sufficient funds in the consulate, should be drawn upon the Secretary of State.

**360. No allowance for legal services.**—No allowance will be made to consular officers for expenses incurred in procuring

the defense in any court of law of American seamen or of persons accused of crimes against the laws of the United States, or the laws of foreign countries, without the special permission or sanction of the Department of State.

## ARTICLE XXII.

### IMMIGRATION AND QUARANTINE.

**361. Classes of aliens excluded.**—The following classes of aliens are excluded from admission into the United States in accordance with the existing acts of Congress regulating immigration: *18 Stat. L., 477; 23 Stat. L., 332; 26 Stat. L., 1084.*

(a) Chinese laborers. (See paragraph 368.)

(b) Foreigners and aliens under contract or agreement made previous to their departure from the foreign country to perform labor or service of any kind in the United States, except as specified in section 5 of the act of February 26, 1885, as amended by section 5 of the act of March 3, 1891.

(c) All idiots and insane persons.

(d) Paupers or persons likely to become a public charge.

(e) Persons suffering from a loathsome or a dangerous contagious disease.

(f) Persons who have been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude. This does not apply to persons convicted of a political offense, but does include those whose sentence has been remitted upon condition of emigration.

(g) Polygamists.

(h) Any person whose ticket or passage is paid for with the money of another or who is assisted by others to come, unless it is affirmatively and satisfactorily shown on special inquiry that such person does not belong to one of the foregoing excluded classes.

(i) Women imported for purposes of prostitution.

**362. Manifests.**—It is the duty of the master or commanding officer of a steamer or sailing vessel having any alien immigrants on board bound for a port of the United States to prepare, for delivery to the proper inspector of immigration at the port of arrival, lists or manifests, containing not more than thirty names each, which shall, in answer to questions at the top of said lists, state as to each immigrant the full name, age, and sex; whether married or single; the calling or occupation; whether able to read or write; the nationality; the last residence; the seaport for landing in the United States; the final destination, if any, beyond the seaport of landing; whether having a ticket through to such final destination; whether the immigrant has paid his own passage or whether it has been paid by other persons or by any corporation, society, municipality, or government; whether in possession of money, and, if so, whether upward of \$30, and how much if \$30 or less; whether going to join a relative, and, if so, what relative and his name and address; whether ever before in the United States, and, if so, when and where; whether ever in prison or almshouse or supported by charity; whether a polygamist; whether under contract, express or implied, to perform labor in the United States; what the immigrant's condition of health mentally and physically is; whether deformed or crippled, and, if so, from what cause.—*27 Stat. L., 569.*

**363. To be verified before consul.**—Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer or of the officer first or second below him in command, taken before the United States consul or consular agent at the port of departure, before the sailing of said vessel, to the effect that he has made a personal examination of each and all of the passengers named therein; that he has caused the surgeon of said vessel sailing therewith to make a physical examination of each of

said passengers; that from his personal inspection and the report of said surgeon he believes that no one of said passengers is an idiot or insane person, or a pauper or likely to become a public charge, or suffering from a loathsome or dangerous contagious disease, or a person who has been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude, or a polygamist, or under a contract or agreement (express or implied) to perform labor in the United States; and that, according to the best of his knowledge and belief, the information in said list or manifest concerning each of said passengers named therein is correct and true.—*27 Stat. L., 569.*

**364. To be verified by surgeon.**—The surgeon of said vessel sailing therewith shall also sign each of said lists or manifests before the departure of said vessel and make oath or affirmation in like manner before said consul or consular agent, stating his professional experience and qualifications as a physician and surgeon; that he has made a personal examination of each of the passengers named therein; and that said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said passengers. If no surgeon sails with any vessel bringing alien immigrants, the mental and physical examinations and the verifications of the lists or manifests may be made by some competent surgeon employed by the owners of the vessel.—*27 Stat. L., 569.*

**365. Deportation of paupers and criminals.**—If a consular officer has reason to think that any person, society, or corporation (municipal or otherwise) in the country in which he resides contemplates shipping paupers or criminals as emigrants to the United States, he will at once forcibly protest to the local authorities, and will also immediately notify the diplomatic representative of the United States (or the consul-general, as

the case may be) and the Department of State. Such an act is regarded by the United States as a violation of the comity which ought to characterize the intercourse of nations. Should any vessel of the United States, within his jurisdiction, attempt to transport such persons to the United States, he will endeavor to prevent the master from doing so. Should a foreign vessel attempt to do so, he will by earliest mail notify the collector of customs at the port in the United States for which such vessel is bound.

**366. Reports.**—It is the duty of all consular officers to report to the Department of State all information possible which will prevent the violation of the immigration laws; also to report all violations, by masters of vessels bound to any port of the United States, of the statute regulating the transportation of emigrants.

**367. Reports to Treasury Department.**—When an emergency arises requiring consular officers to give prompt information to the Treasury Department to prevent violation of the immigration and contract-labor laws of the United States, they are instructed to write or cable (according to the exigency) directly to the Secretary of the Treasury. A report of their action should then be sent to the Department of State. The use of the cable is permitted only when communication by mail would defeat the end to be attained.

#### CHINESE LABORERS.<sup>1</sup>

**368. Exclusion of Chinese laborers.**—The coming of Chinese laborers to the United States is absolutely prohibited, both by treaty and by statute, except (as to subjects of China) under the conditions specified in Article II of the treaty between

<sup>1</sup> The provisions of the acts of Congress (R. S., secs. 2158-2162) relating to the importation of coolies are practically suspended by the act of July 5, 1884. It is not considered necessary, therefore, to give any instructions based upon them.

the United States and China concluded August 13, 1894, which permits certain Chinese laborers registered in the United States who, before leaving, obtain a required return certificate from the collector of customs to return within one year. Chinese laborers include both skilled and unskilled manual laborers, including Chinese employed in mining, fishing, huckstering, peddling, laundrymen, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation.—*140 U. S., 424; 28 Stat. L., 8, sec. 2.*

**369. Certificates.**—Chinese subjects, other than laborers, who may be entitled to come within the United States, and who shall be about to come to the United States, shall obtain the permission of, and be identified as so entitled by, their government or the government where they last resided, in each case to be evidenced by a certificate issued by such government, which certificate shall be in the English language, and shall show such permission, with the name of the permitted person in his or her proper signature, and which certificate shall state the individual, family, and tribal name in full, title or official rank, if any, the age, height, and all physical peculiarities, former and present occupation or profession, when and where and how long pursued, and place of residence of the person to whom the certificate is issued, and that such person is entitled to come within the United States. If the person so applying for a certificate shall be a merchant, said certificate shall, in addition to above requirements, state the nature, character, and estimated value of the business carried on by him prior to and at the time of his application as aforesaid. If the certificate be sought for the purpose of travel for curiosity, it shall also state whether the applicant intends to pass through or travel within the United States, together with his financial standing in the country from which such certificate is desired. A Chinese person not a subject of China must



under like circumstances obtain a certificate from the government of which such Chinese person is a subject.—*Treaty, Aug. 13, 1894, Art. III; 23 Stat. L., 116, sec. 6.*

**370. Merchant.**—A merchant, within the meaning of the Chinese exclusion act, is a person engaged in buying and selling merchandise at a fixed place of business, which business is conducted in his name, and who, during the time he claims to be engaged as a merchant, does not engage in the performance of any manual labor, except such as is necessary in the conduct of his business as such merchant.—*28 Stat. L., 8, sec. 2.*

**371. Certificate to be visaed by consul.**—The certificate provided for, and the identity of the person named therein, shall, before such person goes on board any vessel to proceed to the United States, be visaed by the indorsement of the diplomatic representative of the United States in a foreign country from which such certificate issues, or of the consular officer of the United States at the port or place from which the person named in the certificate is about to depart; and such diplomatic representative or consular officer whose indorsement is so required is hereby empowered, and it shall be his duty, before indorsing such certificate as aforesaid, to examine into the truth of the statements set forth in said certificate, and if he shall find upon examination that said or any of the statements therein contained are untrue, it shall be his duty to refuse to indorse the same. Such certificate, visaed as aforesaid, shall be prima facie evidence of the facts set forth therein, and shall be produced to the collector of customs at the port in the district in the United States at which the person named therein shall arrive, and afterwards produced to the proper authorities of the United States whenever lawfully demanded, and shall be the sole evidence permissible on the part of the person so producing the same to establish a right of entry into the United States; but said

certificate may be controverted and the facts therein stated disproved by the authorities of the United States. This certificate, while it may be controverted by the authorities of the United States, and is to be taken by them only as *prima facie* evidence, constitutes the only evidence permissible on the part of the person producing the same to establish his right to enter the United States.—*23 Stat. L., 116, sec. 6; 140 U. S., 424.*

**372. Certificates by Chinese ministers and consuls.**—The Treasury Department has ruled that the Chinese Government may delegate authority to its diplomatic and consular officers in foreign countries to issue such certificates to Chinese subjects, not laborers, desiring to come to the United States from countries other than China. Such certificates so issued will be visaed by consular officers of the United States under the conditions herein provided.

**373. Not to visa without conclusive proof.**—Consular officers will require conclusive proof of the identity and character of Chinese presenting certificates before visaing the same. They have no authority in any case to issue certificates entitling Chinese persons of any character to land in the United States, and they are forbidden to give any such certificates.

A full report of the facts must be promptly sent to the Department of State when a certificate is visaed. The fee for the visa is the same as for visaing a passport of a citizen of the United States, and is official.

**374. Includes persons of Chinese race.**—The Chinese exclusion acts apply to all subjects of China and to all Chinese, whether subjects of China or of any other foreign power, except diplomatic and other officers of the Chinese or other governments traveling upon the business of their governments.—*23 Stat. L., 118, sec. 15.*

## QUARANTINE REGULATIONS.

**375.** Certain powers and duties are given consular officers by the quarantine act of February 15, 1893, which provides, among other things, as follows:

(a) *Bill of health to be obtained from consul.*—Any vessel at any foreign port clearing for any port or place in the United States shall be required to obtain from the consul, vice-consul, or other consular officer of the United States at the port of departure, or from the medical officer where such officer has been detailed by the President for that purpose, a bill of health, in duplicate, in the form prescribed by the Secretary of the Treasury, setting forth the sanitary history and condition of said vessel, and that it has in all respects complied with the rules and regulations in such cases prescribed for securing the best sanitary condition of the said vessel, its cargo, passengers, and crew.

(b) *Contents.*—Said consular or medical officer is required, before granting such duplicate bill of health, to be satisfied that the matters and things therein stated are true.

(c) *Fees of consul.*—For his services in that behalf he shall be entitled to demand and receive such fees as shall by lawful regulation be allowed, to be accounted for as is required in other cases.

(d) *Medical officer may be detailed at consulate.*—The President, in his discretion, is authorized to detail any medical officer of the Government to serve in the office of the consul at any foreign port for the purpose of furnishing information and making the inspection and giving the bills of health hereinbefore mentioned.

(e) *Penalty for vessel clearing without bill of health.*—Any vessel clearing and sailing from any such port without such bill of health, and entering any port of the United States,

shall forfeit to the United States not more than \$5,000, the amount to be determined by the court, which shall be a lien on the same, to be recovered by proceedings in the proper district court of the United States.

(f) *Proceedings.*—In all such proceedings the United States district attorney for such district shall appear on behalf of the United States; and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States.<sup>1</sup>—*27 Stat. L., 450, sec. 2.*

(g) *To be posted in consulate.*—None of the penalties herein imposed shall attach to any vessel or owner or officer thereof until a copy of this act, with the rules and regulations made in pursuance thereof, has been posted up in the office of the consul or other consular office of the United States for ten days in the port from which said vessel sailed, and the certificate of such consul or consular officer over his official signature shall be competent evidence of such posting in any court of the United States.—*27 Stat. L., 450, sec. 3.*

(h) *Sanitary reports to be made by consuls.*—The consular officer of the United States at such ports and places as shall be designated by the Secretary of the Treasury shall make to the Secretary of the Treasury weekly reports of the sanitary condition of the ports and places at which they are respectively stationed, according to such forms as the Secretary of the Treasury shall prescribe.—*27 Stat. L., 451, sec. 4.*

(i) *Rules for vessels from foreign ports.*—The same act also provides that the Secretary of the Treasury shall make such rules and regulations as are necessary to be observed by

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<sup>1</sup>Section 2 of the act of February 15, 1893, does not apply to vessels plying between foreign ports on or near the frontiers of the United States and ports of the United States adjacent thereto; but the Secretary of the Treasury is authorized, in his discretion, to establish regulations governing such vessels. (28 Stat. L., 372.)

vessels at the port of departure and on the voyage, where such vessels sail from any foreign port or place to any port or place in the United States, to secure the best sanitary condition of such vessel, her cargo, passengers, and crew, which shall be published and communicated to and enforced by the consular officers of the United States.—*27 Stat. L., 451, sec. 3.*

**376. Treasury regulations adopted.**—In pursuance of the authority conferred by the foregoing law the Secretary of the Treasury has made regulations for the guidance of the officers charged with the execution of the law in foreign ports and in those of the United States. This body of rules has been published in a pamphlet entitled “Quarantine laws and regulations of the United States, April 26, 1894.” These Treasury regulations, as they stand and as they may from time to time be revised or amended, are, so far as they impose duties on consular officers, hereby made a part of the Consular Regulations.

**377. Expense of execution.**—The expense of visiting vessels, making inspections, and any other necessary expense actually incurred by consular officers in the execution of the quarantine laws and regulations must be paid by the ship or by the person for whom the services are performed. The expense of visiting, the fees for inspection, the hire of an expert where necessary to make an inspection and report, are legitimate charges under this head. These charges must be limited to the actual and necessary expenses so incurred. The consul is not authorized to make any profit whatever out of these official services. His time and labor are paid for by the Government, and the services are purely official.

**378. Official fees.**—The official fees prescribed in the tariff (paragraph 533) for the formal services of certification must be collected in addition to the expenses, and must be accounted for to the Treasury.

**379. Outbreak of disease reported by cable.**—In the event of the

outbreak of Asiatic cholera, yellow fever, or other contagious disease in epidemic form, the Department of State must immediately be advised by cable or telegraph of such outbreak.

The following cipher and abbreviations should be used:

“Cholera”—meaning, cholera has appeared.

“Yellow”—meaning, yellow fever has appeared.

The name of a country, meaning that the disease has made its appearance at several places in the country named.

The name of a vessel, meaning that the vessel named has departed from the place whence the telegram is sent, bound for a port in the United States.

“Poison,” meaning that the vessel referred to, though leaving a then healthy port, has on board passengers or goods (baggage) coming from a district infected with cholera or yellow fever.

When cholera or yellow fever has appeared at several places in a country, name the country only, after the word “cholera” or “yellow,” as the case may be; if it has appeared at the place only from which the telegram is sent, do not repeat the name of that place in the body of the dispatch, but if at any other particular place, name it.

In a telegram announcing the departure of a vessel to a port in the United States, the port of departure will be understood to be the place from which the telegram is sent; hence the name of the port of departure need not be repeated. In the body of a telegram the name of the vessel should be given first; second, the name of the country, when applicable; third, the day of departure, omitting the day of the month and of the year, as they will be understood without saying; third, the name of the port of destination (the importance of observing this order will appear obvious when it is understood that many vessels bear the names of ports in the United States); fourth, the name of the disease, “cholera” or “yellow,” as the case may be, should be given, provided the

Department has not been already advised of the outbreak of the disease. When advice has once been given of the appearance of cholera or yellow fever at a certain port, the name of the disease need not be repeated in telegrams announcing the subsequent departure of vessels from that port.

When the name of a vessel is given without stating whether it is a steamer or sailing vessel, it will be understood to be a steamer; if the vessel is a sailing vessel, its proper designation should be prefixed. The sender of the telegram should sign his last name only.

**380. Forms.**—The forms prescribed by the Secretary of the Treasury for use by consular officers in executing the quarantine regulations may be obtained by application to the Department of State as for other forms.

*Records.*—Copies of all bills of health and supplemental bills of health must be kept at the consulate as a record.

#### REGULATIONS TOUCHING THE IMPORTATION OF NEAT CATTLE AND HIDES.

**381. Issued by Treasury Department.**—The Treasury regulations made, or which may hereafter be made, in pursuance of section 17 of the act of August 28, 1894, to prevent the introduction or spread of contagious or infectious diseases among the cattle of the United States, are to be regarded as a part of the Consular Regulations in so far as they impose duties on consular officers.—*28 Stat. L., 550.*

**382. Issued by Agricultural Department.**—The regulations issued, or which may be issued, by the Department of Agriculture under the authority of the act of August 30, 1890, concerning the importation of neat cattle, sheep, and other ruminants and all swine (sections 7, 8, 9, and 10) are likewise made a part of the Consular Regulations to the extent that they require the cooperation of the consular officers.—*26 Stat. L., 416.*

**383. Animals subject to quarantine regulations also.**—The cattle and other animals to which these regulations of the Treasury Department and the Department of Agriculture apply may also be subject, as importations liable to bring disease injurious to human life, to the operation of the quarantine laws and regulations.

**384. Expense, how defrayed.**—The expense of executing these regulations is to be borne by the vessels on which the animals are exported.—*26 Stat. L., 417.*

### ARTICLE XXIII.

#### PERSONAL EFFECTS OF CITIZENS DYING WITHOUT THE UNITED STATES.

**385. Duties of consul by statute.**—It is made the duty of a consular officer, where the laws of the country permit—

First. To take possession of the personal estate left by any citizen of the United States, other than seamen belonging to any vessel, who shall die within their consulate, leaving there no legal representative, partner in trade, or trustee by him appointed to take care of his effects. (Paragraphs 390–393.)

Second. To inventory the same with the assistance of two merchants of the United States, or, for want of them, of any others at their choice. (Paragraphs 394–396.)

Third. To collect the debts due the deceased in the country where he died and pay the debts due from his estate which he shall have there contracted. (Paragraphs 398, 399.)

Fourth. To sell at auction, after reasonable public notice, such part of the estate as shall be of a perishable nature, and such further part, if any, as shall be necessary for the payment of his debts, and, at the expiration of one year from his decease, the residue. (Paragraphs 397–400.)

Fifth. To transmit the balance of the estate to the Treasury



of the United States, to be holden in trust for the legal claimant; except that if at any time before such transmission the legal representative of the deceased shall appear and demand his effects in their hands they shall deliver them up, being paid their fees, and shall cease their proceedings.—*R. S., sec. 1709.* (Paragraph 401.)

**386. Deaths to be published and reported.**—For the information of the representative of the deceased, the consul or vice-consul, in the settlement of his estate, shall immediately notify his death in one of the gazettes published in the consular district, and also to the Secretary of State, that the same may be notified in the State to which the deceased belonged; and he shall, as soon as may be, transmit to the Secretary of State an inventory of the effects of the deceased taken as before directed.—*R. S., sec. 1710.*

**387. Where there is a will.**—When any citizen of the United States dying abroad leaves, by any lawful testamentary disposition, special directions for the custody and management, by the consular officer of the port or place where he dies, of the personal property of which he dies possessed in such country, such officer shall, so far as the laws of the country permit, strictly observe such directions. When any such citizen so dying appoints, by any lawful testamentary disposition, any other person than such officer to take charge of and manage such property, it shall be the duty of the officer, whenever required by the person so appointed, to give his official aid in whatever way may be necessary to facilitate the proceedings of such person in the lawful execution of his trust, and, so far as the laws of the country permit, to protect the property of the deceased from any interference of the local authorities of the country where such citizen dies; and to this end it shall be the duty of such consular officer to place his official seal upon all of the personal property or

effects of the deceased, and to break and remove such seal as may be required by such person, and not otherwise.—*R. S., sec. 1711.* (Paragraph 407.)

**388. Consul's duty auxiliary.**—The administration of the personal effects of the deceased takes place at his domicile; the function of the consul, when he is called upon to act, is auxiliary to that of the domiciliary administrator; and his authority relates only to the property and debts in the foreign country where the decedent died.—*7 Op. Att. Gen., 274.*

**389. In absence of treaty consul to act, unless local authorities object.**—The authority of consuls with respect to the effects of deceased citizens can be exercised, however, only so far as is permitted by the authorities of the country, or is accorded by established usage, or is provided for by treaty or the laws of the country. The United States have treaties with some countries providing for the exercise by consular officers of the authority conferred by the foregoing statutes. (Paragraphs 410–416.) When there is no treaty, the consular officer, in the absence of a known unwillingness on the part of the local authorities, should act as far as he may be permitted; but he should avoid the appearance of opposing or disregarding actual local requirements.

**390. Authority extends to personal property alone.**—The authority of the consular officer extends, under the statutes, to personal property alone —*7 Op. Att. Gen., 270–272.* In the absence of special provision by treaty the devolution and transfer of real property are governed by the law of the place where the property is situated as administered by the local officials. For jurisdiction in matter of real estate in non-Christian countries, see Article XXX.

**391. Effects of seamen covered by other regulations.**—The personal effects of a seaman belonging to an American vessel who dies without the United States are administered under other provisions of law. (Paragraphs 255–258.)

**392. Effects of citizen dying on high seas.**—When a citizen of the United States, not a seaman, dies on the high seas, whether on board an American or foreign vessel, and the effects of the deceased are brought within a consular district, it is the duty of the consular officer, when practicable, to take charge of them. He should promptly report the circumstances of the case to the Department of State, informing it at the same time of the kind and amount of effects or money left by the deceased, and of his residence and the names of his relatives, if these can be obtained. The members of his family or near relatives who are with him while traveling may be allowed to take possession of the effects.

**393. Where there is a legal representative or partner in trade.**—If the decedent has left in the consular district a legal representative, partner in trade, or trustee by him appointed to take care of his effects, the intervention of the consular officer is required only to the extent of giving his official aid to facilitate the proceedings of such person, as is directed in paragraph 409.

**394. Inventory and appraisalment.**—The inventory required on taking possession of the property should be made with great care and with the assistance of two merchants or other proper persons, who shall also act jointly with the consular officer as appraisers of the articles placed in the inventory, giving the estimated value of each.

**395. Inventory includes what.**—The inventory should cover all the personal effects of the decedent that have come into the consul's hands, including account books, personal letters, evidences of debt not due and payable in the country of his decease, letters of credit, and other things which may or may not be assets in the consular officer's hands for the payment of debts. Nothing, on the other hand, should be included in the inventory which is not in the consular officer's possession. The commercial books of the deceased are to be placed

in the inventory and particularly described, the number of pages each of the said books contains being mentioned; and the consular officer will place a certificate, signed by himself, at the beginning and the end of each book, in such a manner as to prevent any addition being made to them. The letter books of the deceased are comprehended in the term commercial books.

**396. Inventory to be signed and recorded.**—When completed, the inventory should be signed by all the persons who united in making it and authenticated by the consular seal. It should then be recorded and a copy should be sent to the Department of State.

**397. Sale of perishable property.**—As soon as the inventory is completed steps should be taken to sell perishable property, if any, at auction after reasonable public notice. Such notice should be given in at least one of the newspapers of the place, if any be printed there, both in English and in the language of the country; and, when practicable, the same notice should be given that is directed by the laws of the country for the judicial sale of property in execution.

**398. What debts may be collected.**—In collecting debts due the decedent the consular officer may collect those due outside his consular district, but he may not go beyond the limits of the country in which the decedent died.—*R. S., sec. 1709.*

**399. What funds applied to debts.**—The decedent's debts should be paid out of the cash resources of the estate in the consular officer's hands, viz, the money among the effects, the proceeds of the sale of perishable property, and the money paid by the decedent's debtors. If these funds are insufficient, the consular officer may sell at auction, after proper advertisement, as much of the remaining personal property as may be required to meet the demands, taking care to sell first the articles which are most marketable and at the same

time least likely to be desired by the family of the deceased for preservation. A claim for damages for a wrongful act of the decedent is not a debt which the consul may pay, unless it has been reduced to judgment.—*18 Pick.*, 36.

**400. Articles having sentimental value.**—Jewelry and other articles having a sentimental value to relatives as keepsakes should be sold only in case of necessity, and, when practicable, the members of the decedent's family or his relatives should be notified, in order that they may purchase these articles if they desire. Evidences of debt not due and payable in the country where the decedent died and letters of credit are not assets, and they should not be sold.

**401. After one year residue of estate paid into Treasury.**—In one year after the death of the decedent, the consular officer is required to convert into money the residue of the estate left after paying the local debts and transmit the same to the Treasury of the United States, to be held in trust for the legal representatives. The articles mentioned in the preceding paragraph and remaining unsold should be sent to the Treasury along with the unused assets, to be delivered to the legal representative of the deceased.

**402. Delivery to legal representative.**—If at any time before transmission to the Treasury the legal representative of the deceased demands the effects in the hands of the consular officer, the latter shall deliver them up, the prescribed fees being paid, and shall cease his proceedings. The consular officer is required to be at all times ready to deliver the effects and papers of a deceased citizen of the United States to the person who presents legal authority to receive them as representative of the deceased owner.

**403. When right of legal representative is doubtful.**—In case of doubt about the legal validity of a claimant's right to the effects of a deceased citizen, the consular officer may require him to prove his claim in the local courts; and rival claims to

represent the deceased, if involving doubtful questions, may be relegated to the courts for settlement.

**404. Account of receipts and expenditures.**—The consular officer is required to enter on his consular books a regular account between himself and the estate of the deceased, in which he shall enter to his own debit all the moneys and effects that come into his hands, and to his credit all the payments he may make, and, finally, the remainder that he may deliver over to the legal representative or remit to the Treasury so as to close the account. A copy of this account shall be delivered to the representative of the deceased, and another shall be transmitted to the Auditor for the State and other Departments.

**405. Final settlement and account.**—As soon as an estate shall be finally settled as far as the consular officer is concerned, he shall give notice thereof to the Department of State, transmitting at the same time an itemized statement of the receipts and expenditures on account of the estate, and showing the amount in money or the effects which have been delivered to the representative of the deceased or sent to the Auditor for the State and other Departments, as the case may be.

**406. Retiring consul to close account of effects.**—When one consul retires from office and is succeeded by another, the effects of deceased citizens which have been in the consul's hands more than one year and which ought to have been remitted to the Treasury should be remitted and accounted for by the outgoing officer, and not turned over to his successor. (Paragraph 68.)

**407. Intervention where a will.**—In the case where, by a testamentary disposition of the deceased, some person other than the consular officer is appointed to take charge of and manage the property, the latter has a right to require, before intervening officially, that the will should be probated so as to give it legal effect. If the decedent leaves a will intended to operate

in the United States, it is the right of the consular officer and his duty, in the absence of adult heirs on the spot, to see to the safe-keeping of the will and its transmission to the parties entitled. (Paragraph 387.)

**408. Not authorized to employ counsel.**—Consular officers are not authorized to employ counsel, either at the expense of the Government or of the estate, in the collection and disposition of the effects of citizens of the United States.

**409. Consul provisional conservator of property.**—A consular officer is by the law of nations and by statute the provisional conservator of the property within his district belonging to his countrymen deceased therein. He has no right, as a consular officer, apart from the provisions of treaty, local law, or usage, to administer on the estate, or in that character to aid any other person in so administering it, without judicial authorization. His duties are restricted to guarding and collecting the effects, and to transmitting them to the United States, or to aid others in so guarding, collecting, and transmitting them, to be disposed of pursuant to the law of the decedent's State.—7 *Op. Att. Gen.*, 274. It is, however, generally conceded that a consular officer may intervene by way of observing the proceedings, and that he may be present on the making of the inventory.

#### CONSUL'S POWERS UNDER TREATIES.

**410.** By treaties with Austria-Hungary, Belgium, Germany, Italy, the Netherlands (including the colonies), Roumania, and Servia, it is made the duty of the local authorities to advise the consular officer of the death of a citizen of the United States in order that the necessary information may immediately be given to the parties interested. In Germany, Roumania, and Servia the consular officer may also appear in person or by delegate in all proceedings in behalf of the absent or minor heirs or creditors until they are duly represented.

**411. Argentine Republic and Colombia.**—Consular officers in the Argentine Republic may, when any citizen of the United States dies within their respective jurisdictions, intervene in the possession, administration, and judicial liquidation of his estate, conformably with the laws of the country. The proceedings in such case must be in the ordinary courts of the country, unless waived by the local authorities. In Colombia a consular officer has the right to take possession of the effects of a deceased citizen, and to make inventories and appoint appraisers. In his proceedings he is required to act in conjunction with two merchants, chosen by himself, and in accordance with the laws of the United States and with the instructions he may receive from his own Government.

**412. Costa Rica, Honduras, Nicaragua, and Paraguay.**—By treaties with Costa Rica, Honduras, and Nicaragua, a consular officer is authorized to nominate a curator to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors, giving proper notice of the nomination to the authorities of the country. In Paraguay he may designate an executor or administrator, and may take charge of the decedent's property until this is done.

**413. Morocco, Maskat, Persia, Tripoli, and Tunis.**—In Morocco a consular officer may take possession of the effects, in the absence of a will, until the legal representative appears. If the heir is present, the property is to be delivered to him; and if a will appear, the property is to descend by it as soon as the consular officer shall have declared its validity. In Maskat the consular officer may receive the property and send it to the heirs, after the payment of all debts due to subjects of the Sultan. By treaty with Persia the effects are to be delivered to the family or partners; but if there be no relatives or partners, then to the consular officer, to be disposed of according to the laws of the United States. By



treaty with Tripoli the property of a decedent is to be placed under the immediate direction of the consular officer, without interference from the Government or the subjects of the country. In Tunis the consular officer has the right to the possession of the effects without interference by the local government.

**414. Peru.**—By treaty with Peru, in the absence of the legal heirs or representatives, a consular officer is made *ex officio* the executor or administrator of the property of citizens of the United States dying within his district and that of his countrymen who die at sea which may be brought to his district. He is required to make an inventory of the property conjointly with a local judicial officer; but the effects are to remain in his hands, with authority to sell the perishable part and to dispose of the remainder according to the instructions of his Government. If the deceased was engaged in business, the property is to be held for twelve calendar months, during which time creditors may present their claims. All questions between the consular officer and creditors are to be determined by the local laws; but if no claim is presented, the consular officer may close the estate and dispose of the effects and property according to the instructions of his Government.

**415. Salvador.**—In Salvador a consular officer has the right to nominate curators to take charge of the property, so far as the laws of the country will permit, for the benefit of heirs and creditors, giving proper notice of such nomination to the authorities of the country. He has the right to take possession of the personal and real estate. He is required to make an inventory conjointly with two merchants, and to publish the death in a newspaper of the country. It is his duty to collect all debts due the deceased in the country and to pay the debts due from him. He may sell the perishable part of the property and such other part as may be necessary to pay the debts; but he is prohibited from paying

any claim, not reduced to a judgment, for damages for any wrongful act of the deceased. When there is no consular officer present, the local authorities are to receive the property and notify the nearest consular officer of the United States.

**416. In non-Christian countries.**—In China, Japan, Madagascar, Siam, Turkey, and other non-Christian countries the property of decedents, both personal and real, is administered under the probate jurisdiction of the consular courts in those countries, without interference in any respect by the local governments.

#### ARTICLE XXIV.

##### MISCELLANEOUS INSTRUCTIONS.

###### MARRIAGES.

**417. Consuls not to celebrate.**—A consular officer of the United States has no power to celebrate marriages in a Christian country between citizens of the United States unless specifically authorized by the laws of the country to do so. In non-Christian countries his authority to perform this rite is not sufficiently well established and defined in the jurisprudence of the United States to justify action upon it. It is deemed safer to forbid consular officers, and they are hereby forbidden, to solemnize marriages in any case.—7 *Op. Att. Gen.*, 23, 30, 31, 342, 346; 1 *Halleck, Ch. XI, sec. 14*; 1 *Bishop, Marriage and Divorce*, 298.

**418. May act as witnesses.**—A consular officer may, when requested, be an official witness of the ceremony of marriage where one of the contracting parties is a citizen of the United States. In all cases of marriage in the presence of a consular officer he shall give to each of the parties a certificate of such marriage, and shall also send forthwith a certificate thereof to the Department of State.

**419. Certificate.**—This certificate must be under the official seal of the consulate, and must give the names of the parties, their ages, places of birth and residence, the date and place of the marriage, and must certify that the marriage took place in the presence of the consular officer giving the certificate. (Form No. 87.)

**420. Effect of marriage in presence of consul.**—It is provided by statute that “Marriages in presence of any consular officer of the United States in a foreign country, between persons who would be authorized to marry if residing in the District of Columbia, shall be valid to all intents and purposes, and shall have the same effect as if solemnized within the United States.”—*R. S. sec. 4082*. The statute does not exclude modes of solemnization other than that in presence of a consular officer. Marriages abroad, when not in the presence of a consular officer, if otherwise valid, are not invalidated by the above statute. The statute does not authorize the consular officer to perform the ceremony, but simply prescribes the legal effect which will be given to a marriage performed in his presence. In view of the exclusive authority of the States in such matters, this statute would probably not be operative outside of the District of Columbia and the Territories.

**421. General principles as to solemnization.**—It is a principle of international law that the law of the place of solemnization shall, whenever this is practicable, determine the mode of solemnization. When consuls are requested to act as official witnesses of marriages, they should see that the requirements of the law of the place of celebration have been, as far as practicable, complied with. It is not intended, however, in these instructions in any way to question or modify the principle of international law that, while the form of solemnizing marriage is determined ordinarily by the law of the place of solemnization, exceptions are recognized, (1) when it is impossible to use such form, (2) when it is repugnant to the

religious convictions of the parties, (3) when it is not imposed on foreigners by the sovereign prescribing it, (4) when the ceremony is performed in a non-Christian or semicivilized country.—7 *Op. Att. Gen.*, 18.

**422. Not to certify as to laws of marriage in United States.**—Consular officers are not competent to certify officially as to the status and ability to marry of persons domiciled in the United States and proposing to be married abroad ; nor as to the laws of the United States, or of the States or Territories, touching capacity for marriage or the solemnization thereof. The power to make a certificate as to the legal requisites in the United States for a valid marriage abroad is not conferred on consular officers by the laws of the United States nor by international law, and they have no official powers which are not derived from any of these sources. Whatever private knowledge a consular officer may have respecting the laws of marriage, he is not authorized to certify the same officially.

#### EXTRADITION OF FUGITIVES FROM JUSTICE.

**423. Requisitions for extradition.**—The United States have treaties with most foreign powers providing, within specified limitations, for the extradition of fugitives from justice upon the demand of the state from which the fugitive has fled. The demand, or requisition, for extradition is usually presented by the diplomatic representative of the demanding government, where there is such a representative in the country of refuge. In the absence of a diplomatic representative, it is provided by some of the treaties that the requisition may be presented by “consular officers,” “superior consular officers,” or “the superior consular officer.” (Paragraph 92.)

**424. Act only upon instructions of Department.**—When a consular officer is required to make requisition for the extradition of a fugitive from justice, full instructions adapted to the particular case will be given him. In the absence of instruc-

tions from the Department of State, a consular officer is not authorized to intervene in extradition matters, nor to ask for the arrest and detention of a fugitive.

**425. Authenticating foreign extradition papers.**—The act of August 3, 1882, prescribes the manner in which documentary evidence offered by foreign governments in support of requisitions for the extradition of criminals from the United States shall be authenticated. The language of the statute is as follows:

That in all cases where any depositions, warrants, or other papers, or copies thereof, shall be offered in evidence upon the hearing of any extradition case under title sixty-six of the Revised Statutes of the United States, such depositions, warrants, and other papers, or the copies thereof, shall be received and admitted as evidence on such hearing for all the purposes of such hearing if they shall be properly and legally authenticated so as to entitle them to be received for similar purposes by the tribunals of the foreign country from which the accused party shall have escaped, and the certificate of the principal diplomatic or consular officer of the United States resident in such foreign country shall be proof that any deposition, warrant, or other paper, or copies thereof, so offered, are authenticated in the manner required by this act.—*22 Stat. L., 216 sec. 5; 22 Fed. Rep., 699; 30 Id., 57; 33 Id., 165; 44 Id., 422; 136 U. S., 330.*

The greatest care should be exercised in making the authentication provided for in the act above quoted. The form of such certificate (Form No. 36) has been tested by actual use and found to be legally sufficient.

#### TAXES AND DUTIES.

**426. Taxes.**—Unless exempt by treaty, consular officers are subject to local taxation in the country and city in which they reside. (Paragraph 83.) As a matter of courtesy or comity they are often excused from personal tax and more rarely from the payment of customs duty on their personal effects.

**427. Reports.**—Consuls will inform the Department of State whether, in the countries in which they respectively reside, they are required to pay taxes of any description, and, if so, the rate and amount of such taxes. If in any country or city they are exempted from taxation, through courtesy, by law, or local regulation, they will communicate the fact, with a copy of the law or regulation, if such exist. They should also report whether any distinction in respect of taxation is made between consuls who are permitted to engage in trade and those who are prohibited from so doing.

**428. Duties on official importations.**—Consuls should inform the Department of State, whether they are required to pay customs duties or other public charges upon supplies of stationery, flags, furniture, and other articles sent to them for official use. It is customary for this Government to admit free of customs duties and charges at its custom-houses all articles for the official use of the consular officers of foreign states when similar privileges are granted to its officers. If these privileges are refused in any instance, the refusal should be reported to the Department of State for such proceedings as may be deemed proper; or, in the case of consular officers of the United States in Mexico, to the United States minister in that country, who, on being satisfied that the foregoing articles are detained at the customs office, will at once apply to the Mexican authorities for their free entry.

#### REQUISITIONS FOR SUPPLIES.

**429.** A form of requisition for office supplies is given in the appendix (Form No. 100), also a schedule of the articles usually furnished by the Department of State. The requisitions should describe the articles called for by schedule number, as well as by name, and the quantities desired are to be stated in figures, as per schedule, and in the order indicated therein. If less than an original package is required, the quantity should be stated in fractions thereof. The requisition should

be carefully drawn, with due regard to economy, and should cover as far as possible a supply for a year or half year.

Blank passport and other forms, record books, seals, coats of arms, and other articles not mentioned on the schedule should be added at the end of the requisition, or, if necessary, on a separate sheet accompanying the same.

No dispatch is necessary in transmitting these requisitions to the Department, and they should not be given a serial number.

#### INVOICES OF SUPPLIES.

**430.** Supplies sent to consulates for official use are accompanied by an invoice, under the seal of the Department of State, showing that the articles named therein are the property of the United States and are intended for the consul's use in conducting the public business of his office. This invoice may be used in obtaining free entry of the supplies. Upon receipt of the supplies the consul is required to sign the acknowledgment on the back and return the invoice so indorsed to the Department.

#### ANNUAL FURNITURE SCHEDULES.

**431.** At the end of each fiscal year every consular officer shall transmit to the Department of State a schedule to be known as the "Annual furniture schedule," which shall contain item by item the furniture and office equipment of said office, together with a statement as to each item or group of items, showing the number, the date of purchase, cost, name of person or firm from whom purchased, and a description thereof sufficient to enable the same to be easily identified. The schedule shall especially include the following articles: Carpets, rugs, curtains, window shades, mats, awnings, hangings, mattings or other floor coverings, framed pictures, unframed pictures, framed charts, unframed charts, busts, statues, tables, desks, bookcases, bookshelves, cabinets, clocks,

washstands, screens, towel racks, cuspidors, swivel chairs, armchairs, chairs, stools, lamps, gas or electric fixtures, telephones, sofas, lounges, divans, settees, benches, typewriters, toilet articles, pitchers, bowls, basins, towels, consular or legation presses, seals, letter-presses, rubber or other stamps, atlases, gazetteers, directories (with date), dictionaries, encyclopedias, other bound books, unbound books; inkstands, mucilage pots, blotting-paper holders, sponge holders, pen-racks, penholders, paper cutters, scissors, erasers, and other desk fixtures; flags, flag poles, flag ropes, and flag holders; consular arms and consular signs.

The separate pieces of a suit of furniture when purchased as a suit need not be severally described, but the number of pieces and a general description, as "Oak, covered with green leather," will suffice. All other items must be separately set forth.

**432. Supplementary schedule.**—From time to time as new purchases are allowed and made, a supplementary schedule covering same shall be transmitted to the Department of State, to be annexed to the "Annual furniture schedule." These shall follow the same plan as to number, date of purchase, price, vendor, and description.

The "Annual furniture schedule" and all other furniture schedules shall be signed and certified as correct by the person making the same; and when made up by other than the official in charge of the office, the signature of the person making the schedule shall be attested by such official and be by him transmitted to the Department of State to be filed with the schedules hereinbefore referred to. (Paragraphs 64-66.)

**433. Department's schedule.**—The Department of State will make up from the records thus received a new schedule in the same form, to be delivered with his commission to each new official appointed to take charge of a consular office, setting forth all furniture and equipment shown by said schedules to



be at the consulate of which he is given charge; and such new appointee will be expressly required on arrival at his post to cause an immediate examination to be made, and to report at once to the Department whether all articles contained in the schedule delivered to him have been found, and whether the same are found to be in a condition materially varying from that described in his schedule, with such explanation as to any discrepancy therein which the person found in charge may desire to be transmitted.

A retiring consul will not be given a certificate of non-indebtedness to the Government until the above provisions have been fully complied with.

#### RECOMMENDATIONS FOR OFFICE.

**434.** Consular officers are forbidden to recommend any person for office under the Government of the United States, except for the subordinate positions in their several consulates. They are prohibited by statute, without the consent of the Secretary of State previously obtained, from recommending any person, at home or abroad, for any employment of trust or profit under the government of the country in which they are located.—*R. S., sec. 1751; 18 Stat. L., 77.*

#### PUBLIC SPEECHES.

**435.** Consular officers are not allowed to allude in public speeches to any matters in dispute between the United States and any other government, nor to any matters pending in the consulate. It is a still better rule to avoid public speeches when it can be done without exciting feeling in the community in which the officer resides. They will be particularly careful to refrain from unfavorable comment or criticism upon the institutions or acts of the government to which they are accredited; and it is deemed unadvisable for them to make

any address abroad which is likely to be published in any other country than that where they officially reside.

#### CORRESPONDENCE WITH THE PRESS.

**436.** The statute prohibits a consular officer from corresponding in regard to the public affairs of any foreign government with any private person, newspaper, or other periodical, or otherwise than with the proper officers of the United States.—*R. S.*, sec. 1751; *18 Stat. L.*, 77. This prohibition does not extend to literary articles or subjects not connected with politics; but communications to newspapers and their representatives relative to epidemic diseases abroad are forbidden.

#### RELATIONS WITH GOVERNMENT OFFICIALS.

**437. Official correspondence, etc.**—Consular officers ordinarily have no diplomatic position, and must not assume such unless specially instructed by the Department of State, or unless they are regularly presented in that capacity by a diplomatic representative of the United States on his leaving his post. They therefore can not ordinarily correspond directly with the government of the country in which they reside.

**438. In absence of diplomatic representative.**—In the absence, however, of a diplomatic representative, cases may arise in which a consul may be required to correspond directly with the government. All such correspondence, as well as all correspondence with the local authorities and with their colleagues, should be conducted in a courteous and dignified manner.

**439. Social relations.**—Consular officers will endeavor to cultivate friendly social relations with the community in which they reside, and will refrain from expressing harsh or disagreeable opinions upon the local, political, or other questions which

divide the community within their jurisdiction. They are forbidden to participate in any manner in the political concerns of the country. In their dispatches upon such subjects they will confine themselves to the communication of important or interesting public events as they occur, avoiding all unnecessary reflections upon the character or conduct of individuals or governments; and they will not give publicity, through the press or otherwise, to opinions injurious to the public institutions of the country or the persons concerned in their administration. It is at the same time no less their duty to report freely and seasonably to their own Government all important facts which may come to their knowledge touching the political condition of the country, especially if their communications can be made to subserve or may affect the interests and well-being of their own country.

#### PRECEDENCE OF CONSULAR OFFICERS.

**440. Relative rank.**—The order of official precedence in the service is as follows: (1) Consuls-general; (2) consuls; (3) commercial agents; (4) vice-consular officers; (5) deputy consular officers; (6) consular clerks; (7) consular agents.

**441. Relative rank with Navy and Army officers.**—Consuls-general rank with commodores in the Navy or brigadier-generals in the Army.

Consuls and commercial agents rank with captains in the Navy or colonels in the Army.

Vice-consular officers, deputy consular officers, consular clerks, and consular agents rank with lieutenants in the Navy or captains in the Army.—1 *Halleck, ch. xi, sec. 7, cl. 2.*

For official etiquette when United States naval vessels visit the port, and for the relations between consular and naval officers, see paragraphs 109, 112.

**442. Rank by seniority in same grade.**—Consular officers of the United States are entitled to enjoy the rank and precedence

above stated. This precedence will be determined, among officers of the same rank, by the date of commission. For their relative rank among their colleagues representing other countries at the same place, see paragraph 76.

FOREIGN INVENTIONS SUBMITTED FOR EXAMINATION OF  
UNITED STATES GOVERNMENT.

**443.** Persons in foreign countries desiring to submit inventions of any kind to the consideration or examination of the Government of the United States must address in writing the "Secretary of the Interior (Patent Office), Washington, United States of America." They must give a description of the invention, and must state whether or not they expect, or intend to ask, any compensation whatsoever. No expense incurred in connection with the invention or its presentation will be considered as giving any claim whatever to compensation or to indemnification. The Government of the United States will assume no responsibility whatever, whether for loss of time, for services, for expenses of any kind, for loss or injury to any models, drawings, or other things, or for any cause whatsoever in connection with the invention or its presentation, unless the same may have been specially and distinctly authorized in writing, under the signature of the Secretary of the Interior, and in this case the responsibility of the Government will be limited to the amount named in his letter authorizing the same. No claim for indemnification or for compensation will be entertained, unless accompanied by such letter of the Secretary of the Interior as is above contemplated; and no indemnification or compensation will be allowed to any inventor, or other person presenting an invention, unless there be an appropriation by Congress authorizing such payment. No indemnification or compensation will be made in any case, unless the invention be adopted or some advantage inures therefrom to the public

service of the United States; and the Government of the United States, through its appropriate Department, will, in all cases, be the sole judge on these points.

INFORMATION AS TO LIGHT-HOUSES, BUOYS, SHOALS, ETC.

**444.** Consular officers are expected to report all matters that may come to their knowledge affecting the navigation of waters in their districts, or that may be of public interest or advantage. All notices of the erection of new light-houses, removals or changes in those established, the discovery or survey of shoals and reefs, changes in channels, the fixing of new buoys and beacons, and all subjects that concern the interests of navigation should be communicated promptly to the Department of State. If published notices are sent, two copies should be furnished; and if they are in a foreign language, they must be accompanied by accurate and trustworthy translations.

USE OF GOVERNMENT DISPATCH BAGS.

**445.** The following matter only may be transmitted by consular officers in Government dispatch bags to the United States, where such bags are used: (1) Letters and packages addressed to the President or Vice-President of the United States, or to the Executive Departments of this Government or the heads thereof, or to the Speaker of the House of Representatives; (2) letters, newspapers, and printed matter intended for the Assistant Secretaries, the Assistant Postmasters-General, or the Assistant Attorneys-General, or for any of the clerks of the Department of State; (3) invoices required by law to be transmitted to the United States; (4) the private letters to their families and friends in the United States sent by consuls or members of their families.

Letters of unofficial persons, not being members of their own families, are not to be sent by consular officers to the

Department of State with official dispatches, for transmission to persons in the United States. (Paragraph 546.)

VERIFICATION OF POWERS TO TRANSFER STOCKS OF THE UNITED STATES.

**446. To be verified by consuls.**—All powers of attorney in a foreign country for the transfer of any stock of the United States, or for the receipt of interest thereon, shall be verified by the certificate and seal of a consul, vice-consul, commercial agent, or vice-commercial agent, if any there be at the place where the same shall be executed. (See Form No. 88 for a general form for the authentication of a signature and No. 89 for a certificate that an officer is qualified to administer an oath.)

**447. No fee.**—No fee is to be charged for witnessing the execution and taking the acknowledgment of assignments of registered bonds or stocks of the United States, or of powers of attorney to assign such bonds or stocks, or to collect the interest thereon; it being apprehended that such charges might affect the value of our securities abroad.

LETTERS UNCALLED FOR.

**448. To be returned to local post-office.**—All letters, except as below, addressed to the care or in the custody of consular officers remaining uncalled for for a period of six months should, on the 1st days of January and July in each year, be returned unopened and with stamps intact to the local post-office from which the consular officer received them, in order that they may be returned to the United States, in pursuance of a provision in the Universal Postal Union Convention without expense, and go to the Dead-Letter Office. Consuls will not return uncalled-for letters by masters of vessels.

**449. For navy and whaling vessels.**—Letters intended for officers and seamen of the Navy in the Pacific and Asiatic squadrons, and letters intended for the crews of whaling vessels,

may be retained one year before returning them as aforesaid. Upon returning such letters an indorsement should be made on each, giving the reason for detaining it beyond the six months above prescribed.

#### LETTERS DETAINED AT FOREIGN PORTS.

**450.** It is provided by statute that the Secretary of State may empower the consuls of the United States to pay the foreign postage on such letters destined for the United States as may be detained at the ports of foreign countries for the non-payment of postage, which postage shall be marked by the consul as paid by him; and the amount so paid may be credited in the account of the consul with the Department of State. In carrying out this statute consular officers are authorized to state the amount paid for such postage in their postage account with the Department; but it should be entered as a separate item, in order that upon its repayment by the Post-Office Department the proper appropriation may be credited.—*R. S., sec. 4014.*

#### PRESENTS AND TESTIMONIALS FROM FOREIGN POWERS.

**451.** Consular officers are forbidden by law to ask or accept, for themselves or any other persons, any present, emolument, pecuniary favor, office, or title of any kind from any foreign government. This statute is substantially the provision of the Constitution in this respect. If consular officers are tendered presents, orders, or other testimonials in acknowledgment of services rendered to the citizens or the governments of foreign states, they may apply to Congress through the Department of State for permission to accept the same.—*U. S. Const., Art. I, sec. 9, cl. 8; R. S., sec. 1751; 18 Stat. L., 77.*

## CONSULAR UNIFORMS.

**452.** Diplomatic officers are forbidden by statute to wear any uniform or official costume not previously authorized by Congress. Consular officers are not authorized by law to wear any uniform, and the prohibition imposed by statute on diplomatic officers is hereby extended to consular officers. It is provided, however, that all officers who served during the rebellion as volunteers in the Army of the United States and have been honorably mustered out of the volunteer service shall be entitled to bear the official title and upon occasions of ceremony to wear the uniform of the highest grade they held, by brevet or other commissions, in the volunteer service. They may also, on like occasions, wear the distinctive army badge of the corps or division in which they served. These provisions are held to apply to consular officers whose service and discharge from the Volunteer Army bring them under its terms.—*R. S., secs. 1226, 1688.*

## CONSULAR OFFICERS ACTING FOR FOREIGN STATES.

**453.** A person holding an office of profit or trust under the United States is forbidden to accept an office from any foreign state.—*U. S. Const., Art. I, sec. 9, cl. 8.* Consular officers may, however, upon request and with the approval of the Department of State, discharge temporarily consular duties for other countries. Except in cases of emergency the permission of the Department of State should be first obtained. (Paragraph 174.)

## AUTHENTICATION OF PENSION PAPERS.

**454.** The Commissioner of Pensions is authorized by statute to accept the declarations and other papers of pension claimants residing in foreign countries made before a United States



minister or consul or other consular officer, or before some officer of that country duly authorized to administer oaths for general purposes, and whose official character and signature shall be duly authenticated by the certificate of a United States minister or consul or other consular officer,—*27 Stat. L., 272, sec. 2.*

**455. To be free of charge.**—All United States officers now authorized to administer oaths are required and directed to administer any and all oaths required to be made by pensioners and their witnesses in the execution of their vouchers for their pensions free of charge.—*25 Stat. L., 782.* Where the voucher is sworn to before a competent local official the consul is expected to certify without charge to the competency of that official. No pension can be paid to a nonresident who is not a citizen of the United States, except for actual disabilities incurred in the service.—*27 Stat. L., 524.*

#### USE OF OFFICIAL TITLE AND SEAL.

**456.** The consul's official title and seal must not be used in the consul's private business transactions or affixed to notes, bills, bonds, or other personal obligations. The Government can assume and can be held to no liability for such obligations. Such proceedings are regarded as involving grave irregularity. Impressing the consular seal on letters or other papers when its use is unnecessary is forbidden. The seal should be used for the purpose of authentication or certification only, and should be kept under lock to prevent the possibility of its use by unauthorized persons.

#### CONSULS NOT TO ASSUME PECUNIARY RESPONSIBILITY FOR CITIZENS OF THE UNITED STATES.

**457.** Consular officers are not authorized to indorse notes or bills of exchange, nor in other ways to become responsible

pecuniarily for American citizens or others who have no personal claims upon them, but who seek them as persons who from their position are available for the purpose. Such transactions are not a part of the official duties of a consular officer. He is not authorized to lend money to indigent citizens of the United States or others, nor to incur expenses or liabilities for any persons, except seamen of the United States, in the expectation of reimbursement by the Government.

USE OF NAME AS BUSINESS REFERENCE—REPORTING FINANCIAL STANDING OF FOREIGN BUSINESS MEN OR HOUSES.

**458.** Consular officers are forbidden to allow the use of their names as references for business or other enterprises, and they are not authorized to report to private inquirers concerning the financial standing or commercial repute of business men or houses in their districts. They may, however, refer such inquiries to banks or other business agencies, if any that can answer them; or they may quote the ratings of local business agencies.

ANSWERS TO INQUIRIES OF CITIZENS OF THE UNITED STATES.

**459.** Inquiries made by citizens of the United States touching business matters, or other matters not of mere curiosity, should be answered as far as they can be consistently with the consul's other duties. All inquiries of this character should be acknowledged, even when it is impracticable to answer them. The postage on such correspondence is a proper charge against the allowance for contingent expenses. When the information sought relates to commercial or industrial matters of general interest, the answer should be sent to the Department of State, to be transmitted to the inquirer after the Department has extracted any portion that it may desire to publish for the information of the public.

## LETTERS OF INTRODUCTION.

**460.** An official letter of introduction, when given to a citizen of the United States, is valuable to the holder for prompt identification in case he needs the intervention of a consular officer in his behalf. But in no case must the letter be understood or taken as implying any claim upon the consul for hospitality or personal courtesies beyond the politeness always due to citizens of the United States when they have legitimate business with a consulate.

## USE OF THE TELEGRAPH.

**461.** The use of the telegraph at the expense of the Government is restricted to cases of urgency, and to those in which some injury to the public interests would result from delay. It is not permitted in the ordinary business of a consulate, or in communicating with the Department of State, except when justified by the importance and urgency of the case, or when it is done under instructions from the Department. Applications by telegraph or cable for leave of absence and telegraphic replies thereto will generally be at the private expense of the consul.

**462. Accounts for telegrams.**—In verifying official telegrams in the accounts for the same transmitted to the Department of State for approval at the expiration of each quarter, it is required that each voucher for telegrams should either be indorsed with a reference to the number and date of the dispatch to the Department reporting the telegram or be accompanied with a slip, pinned to it, giving the exact text of the message as sent.

## CIRCULARS.

**463.** All circulars issued over the signature of a consular officer must be submitted to the Department of State and receive its approval before publication, unless they conform

to a draft furnished by the Department or follow the exact language of an instruction or circular of the Department.

#### ALTERATION OF OFFICIAL FORMS.

**4 4.** The official forms contained in Appendix VI have been prescribed by the President, under authority of law, to be used in cases to which they apply; and consular officers are forbidden to alter any of them without permission and the approval by the Department of State of the substitute offered. Suggestions for the improvement of forms are, however, invited, and they will always receive consideration. Exact translation of English forms into the language of the country to which the consul is accredited is not within this prohibition, where the local conditions require translation. (As to unofficial and miscellaneous forms, see paragraphs 188 and 335.)

#### LEAVE OF ABSENCE.

**465. Absence exceeding forty-eight hours.**—All absences of a consul from his post exceeding forty-eight hours, whether by leave or otherwise, must be reported to the Department of State, and are regarded as a part of the sixty days during which a consul may be absent in one year without loss of salary.—*12 Op. Att. Gen., 410.*

**466. Consuls not to be absent more than ten days without leave.**—No consul-general, consul, commercial agent, consular clerk, consular agent, marshal, or interpreter at a consulate shall be absent from his post or the performance of his duties for a longer period than ten days at any one time without permission previously obtained of the President.—*R. S., sec. 1741; 18 Stat. L., 77.* This provision in regard to an absence of ten days is intended to meet those cases of sudden emergency which do not allow sufficient time for communicating with the Department of State, and in which some serious detriment to the health or the affairs of the officer, or otherwise,

is likely to occur before a formal application can be acted upon. It is not to be assumed that an unauthorized absence of ten days can be taken as a matter of course. The circumstance of distance between the Department and its officers abroad requires that the use of the permission granted by statute should be intrusted to their fidelity and honor; and when an officer is known to violate the confidence reposed in him in this respect, he must expect to incur the serious displeasure of the President. Application for leave of absence must be addressed to the Department of State in the manner directed by paragraphs 97-99, 105, and 106.

**467. Salary during absence from post.**—The statute referring to consuls-general, consuls, and commercial agents, who are the only consular officers entitled to any compensation when not in the actual performance of duty at the post, provides that no consular officer shall receive salary for the time during which he may be absent from his post, by leave or otherwise, beyond the term of sixty days in any one year; but the time equal to that usually occupied in going to and from the United States, in case of the return on leave of such consular officer to the United States, may be allowed in addition to such sixty days. The Department of State may, for good reason, grant leave for a longer time; but it carries no right to salary beyond the time fixed by law.—*R. S., secs. 1740, 1742.*

**468. Leave of absence discretionary with President.**—The statute limits the period of a consul's absence from his post, but it does not entitle him to leave of absence each year.—*R. S., sec. 1742.* The President, acting through the Department of State, will determine in each case whether the consul may be absent.

**469. Applications for leave of absence.**—Every application for leave of absence must contain a statement of the number of days the consul has been absent from his post during the previous twelve months, and whether with or without leave;

referring by number and date, if with leave, to the dispatch granting it. Every such application must state specifically whether the applicant wishes to come to the United States. (Paragraph 470.)

Leaves of absence are not cumulative. In case of leave not being asked or granted in any one calendar year, the term for which such leave might have been granted can not be added to the leave of a subsequent year.

**470. Leave with permission to visit the United States.**—Leaves of absence are of two kinds—simple leave and leave with permission to visit the United States. Both classes of leave are subject to the statutory conditions explained above. (Paragraphs 465–467.) In case leave is asked and granted to return to the United States, the term for which it is granted is computed from the day of the arrival in the United States to the day of departure therefrom on the return of the officer to his post; but a reasonable time in addition is allowed for going to and returning from his place of residence, provided a visit to his residence is made, but not otherwise. The transit periods prescribed in paragraph 478 are maximum allowances to cover delay through sickness or other unavoidable cause. It is not contemplated that the whole time so allotted shall be ordinarily employed in the transit, nor is it permissible that an officer proceeding on leave to the United States in a shorter time than that given in the schedule, and returning to his post in the same way, can thereby accumulate or add time to the leave prescribed by the statute.

**471. Simple leave does not give permission to return to the United States.**—The granting of a simple leave of absence does not give permission to return to the United States also. Should a consular officer desire to revisit the United States, he must ask express permission to do so, in order to entitle him to the benefit of the statutory allowance.

## LEAVE OF ABSENCE FOR VICE-CONSULAR OFFICERS AND SUBORDINATE OFFICERS AND EMPLOYEES.

**472. Vice-consular officers.**—When the chief consular officer is at his post and in charge of the office, he may grant leave of absence to his vice-consular officer, reporting the fact to the Department of State. When the vice-consul is in charge of the office, he should apply for leave in the same manner as the consul, and should give the name and authenticated signature of the person he desires shall be left in charge of the office during his absence. The vice-consul receives pay only while he is in charge of the office, and he can receive nothing when on leave.

**473. Deputy consular officers and clerks.**—Deputy consular officers and office clerks may be granted leave by the principal officer.

**474. Consular agents.**—Consular agents should apply for leave of absence to the principal officer, who will forward the application to the Department of State in the usual manner, with the name and authenticated signature of the person whom it is proposed to put temporarily in charge of the consular agency. In case of an emergency which compels the consular agent to leave his post before permission to do so can be obtained from the Department of State, the principal consular officer is authorized to grant the agent the requisite leave of absence, reporting the fact to the Department of State, and sending the name and authentic signature of the person placed temporarily in charge of the consular agency.

**475. Consular clerks.**—Consular clerks should apply for leave of absence to the Department of State, their applications being indorsed favorably or unfavorably by the chief consular officer at the post where they are serving.

**476. Interpreters and marshals.**—Interpreters and marshals should apply for leave of absence through the consular officer

in charge of the post. There is no provision of law for appointment by the consular officer of a substitute to perform the duties of the absent interpreter or marshal and receive his salary.—*Bowler's 1st Comp. Dec.*, 168; *2 Comp. Dec.*, 455.

#### MAXIMUM TIME OF TRANSIT.

**477. Not to be exceeded.**—The Secretary of State is authorized to establish, determine, and make public the maximum amount of time actually necessary to make the transit between each consular post and the city of Washington, and vice versa, and from time to time revise his decision in this respect; and the allowance for time actually and necessarily occupied by each consular officer who may be entitled to such allowance shall in no case exceed that for the time thus established and determined, with the addition of the time usually occupied by the shortest and most direct mode of conveyance from Washington to the place of residence in the United States of such officer.—*18 Stat. L.*, 70, *sec. 4.*

**478. Maximum transit periods established.**—The following is established, determined, and made public as the maximum amount of time actually necessary to make the transit between each consular post in the countries named and the city of Washington, going or coming:

Argentine Republic, forty-five days.

Austria-Hungary, thirty days.

Belgium, twenty days.

Brazil, forty days.

Chile, forty-five days.

China (except Chung-King), fifty days.

Chung-King, ninety days.

Colombia:

Barranquilla, sixteen days.

Bogota, thirty-five days.

Colon, sixteen days.

Panama, sixteen days.



Costa Rica, thirty days.

Denmark, twenty-five days.

St. Thomas, fifteen days.

Ecuador, forty-five days.

Egypt, thirty-five days.

France, twenty days.

French possessions:

Algeria, thirty days.

Gaboon, fifty days.

Guadeloupe, thirty days.

Martinique, twenty-five days.

Tahiti, seventy days.

Tunis, thirty days.

St. Pierre, twenty days.

Germany, twenty-five days.

Great Britain and Ireland, twenty days.

British possessions:

Aden, forty days.

Antigua, thirty days.

Australia, fifty days.

Barbados, twenty days.

Bermuda, ten days.

Bombay, sixty days.

Calcutta, sixty days.

Canada (except Gaspé Basin, New Brunswick, Prince Edward  
Island, Victoria, and Winnipeg), three days.

Cape Town, fifty-five days.

Ceylon, fifty days.

Demerara, forty days.

Falkland Islands, seventy days.

Fiji Islands, seventy days.

Gaspé Basin, six days.

Gibraltar, twenty-five days.

Hongkong, fifty days.

Kingston, Jamaica, twenty days.

Malta, thirty days.

Mauritius, ninety days.

Nassau, fifteen days.

New Brunswick, six days.

New Zealand, fifty days.

## Great Britain and Ireland—Continued.

## British possessions—Continued.

- Nova Scotia, six days.
- Prince Edward Island, six days.
- St. Helena, seventy-five days.
- Sierra Leone, fifty days.
- Singapore, sixty days.
- Turks Island, twenty days.
- Victoria, twenty-five days.
- Winnipeg, fifteen days.

Greece, thirty-five days.

Guatemala, thirty days.

Haiti, fifteen days.

Hawaiian Islands, thirty-five days.

Honduras, thirty days.

Italy, thirty days.

Japan, forty days.

Kongo State, fifty days.

Korea, sixty days.

Liberia, forty days.

Madagascar, seventy days.

Maskat, sixty days.

## Mexico:

Acapulco, twenty-five days.

Durango, fifteen days.

Guaymas, twenty-five days.

Matamoros, twelve days.

Merida, twenty days.

Mexico City, eighteen days.

Nogales, fifteen days.

Nuevo Laredo, twelve days.

Paso del Norte, twelve days.

Piedras Negras, twelve days.

Tampico, twenty days.

Veracruz, fifteen days.

Netherlands, twenty days.

Batavia, Java, sixty days.

Nicaragua, thirty days.

Paraguay, forty-five days.

Persia, sixty-five days.

- Peru, forty days.  
Portugal, thirty days.  
    Portuguese possessions:  
        Fayal and Funchal, thirty days.  
        Mozambique, sixty days.  
        Santiago (C. V. I.), forty days.  
Russia, thirty days.  
Salvador, thirty days.  
Samoa, seventy days.  
Santo Domingo, fifteen days.  
Siam, sixty days.  
Spain, twenty-five days.  
    Spanish possessions:  
        Baracoa, fifteen days.  
        Cardenas, ten days.  
        Cienfuegos, twelve days.  
        Habana, ten days.  
        Manila, sixty days.  
        Matanzas, ten days.  
        Puerto Rico, twenty days.  
        Sagua la Grande, twelve days.  
        Santiago de Cuba, twelve days.  
Sweden and Norway, twenty-five days.  
Switzerland, twenty-five days.  
Tangier (Morocco), thirty-five days.  
Turkey (except Erzerum and Harpoot), forty days.  
    Erzerum and Harpoot, seventy-five days.  
Uruguay, forty-five days.  
Venezuela, twenty-five days.  
Zanzibar, sixty days.

## INSPECTION OF PRIVATE PAPERS FILED IN CONSULATE.

479. Many papers filed as of record in the consular offices are of a private, and not of a public, nature. The rules regulating the inspection of the two classes of papers are widely different. Inspection of a private paper may be granted to a party who has an interest therein in such cases as will not involve impertinent investigations and in which the

consul is satisfied that no illegitimate object is intended, and where the inquiry is not forbidden by the public interests; but such paper must be specifically designated in the application for inspection, adopting in such cases, as nearly as practicable, the rule laid down by the courts in respect to the inspection of telegraphic dispatches; nor will the Department of State permit copies to be taken by the parties inspecting such papers. If copies are required, they must be taken by the consular officer and duly certified by him.

#### EXAMINATION OF TITLES AND OTHER UNOFFICIAL SERVICES.

**480.** Consular officers are frequently asked by their countrymen at home to examine titles, or do other services for them in a foreign land. It is sometimes even assumed that the parties making the requests have a right to such services. Consular officers will treat all such requests courteously, and if they are unable to comply with them, will state the reasons clearly but unoffensively. They are at liberty to do such work for their countrymen for a private compensation, if it does not interfere with the performance of their official duties. If it does so interfere, they must refuse it.—*31 Fed. Rep.*, 697; *33 Id.*, 572.

**481. Rule as to compensation, contract therefor.**—The general rule in regard to unofficial services, as distinct from official and from notarial services, is that a consular officer is entitled to charge the same compensation as is charged for similar services in the same locality by other competent persons. In ordinary cases the amount is determined by the agreement of the parties; and a consular officer should, if practicable, have a clear understanding with his correspondent respecting the cost of an unofficial service before he performs it, and also with regard to the time and manner of payment. In some cases, also, it is believed that it would be a hardship to make the maximum charge, as where the

services are rendered in behalf of the widows and families of deceased soldiers or sailors of the United States, or where, from other circumstances, the exaction would operate oppressively upon the applicant. It is expected that these considerations will have due weight with consular officers. The Department of State does not intervene unless in cases of manifest injustice, although it reserves the right at all times to decide upon the fairness and propriety of any charge that a consular officer may make for such services, and to fix the amount to be paid, if there shall be any reason to do so. (Paragraph 488.)

## NOTARIAL ACTS.

**482. Under Federal laws.**—The statute permits consular officers, whenever they are required or deem it necessary or proper to do so, within the limits of their respective districts, to administer to or take from any person an oath, affirmation, affidavit, or deposition, and to perform any notarial act which any notary public is required or authorized by law to do or perform within the United States. Such acts, in order to be valid and effectual, must be certified by the consul under his hand and seal of office.—*R. S., sec. 1750.*

**483. Under State laws.**—The laws of some of the States and Territories authorize consular officers to take acknowledgments of deeds, to take depositions and affidavits, and to perform other official acts for use in such States and Territories. When called upon for any service not within the usual functions and competence of a notary public, according to the general law and usage of commercial nations, the consul will be guided by the State or Territorial statute which empowers him to act in the premises. The powers and duties of a notary public are derived in a large measure from general usage, public law, and the customs of merchants. To some degree they are regulated by statute in most of the

States, but not usually in such a manner as to restrict the exercise of the functions which otherwise appertain to the office. As a general rule, a notary public may take acknowledgments of deeds, powers of attorney, agreements, leases, releases, assignments, bonds, mortgages, bills and contracts of sale, and protests, certify copies, and may take all forms of oaths, affidavits, and depositions.

**484. Performance of notarial services optional.**—Consular officers are not compelled to render notarial services; but, as a general rule, when the act requested can be performed without interference with official business, and without giving offense to the local government, they are expected, upon the tender of a suitable remuneration, to perform it. They are prohibited, however, to issue certificates of law or fact as to any matters outside the scope of their official duties and powers. (Paragraph 422.)

**485. Compensation for services.**—Consular officers are authorized to charge for notarial services the fees prescribed for notaries public in the District of Columbia, and no more.

*Tariff of notarial fees.*—The tariff of notarial fees fixed by law for the District of Columbia is as follows:

For each certificate and seal, 50 cents.

Taking depositions or other writings, for each 100 words, 10 cents.

Administering an oath, 15 cents.

Taking acknowledgment of a deed or power of attorney, with certificate thereof, 50 cents.

Every protest of a bill of exchange or promissory note, and recording the same, \$1.75.

Each notice of protest, 10 cents.

Each demand for acceptance or payment, if accepted or paid, \$1, to be paid by the party accepting or paying the same.

Each noting or protest, \$1.

*Revised Statutes relating to the District of Columbia, section 990.*

A copy of this tariff of fees must be posted in a conspicuous place in the public office of the consulate.

*Notarial fees belong to consul.*—While a notarial service derives its legal validity and effect from the official character of the person performing it and is an official service, consular officers are not required to pay the fees for such services into the Treasury, but may retain them as personal fees, unless the service or a part of it is one for which a fee is prescribed in the tariff of official fees.—*33 Fed. Rep., 572.* (Paragraph 533.) In that case the fee prescribed in the tariff of official fees must be collected and accounted for to the Treasury.

**486. Record and transcript of notarial and unofficial services.**—Each consul shall keep a permanent record of all notarial and unofficial services and of the fees or compensation received therefor, and transmit at the close of each quarter one sworn copy of the same (Form No. 159) to the Department of State and another sworn copy to the Auditor for the State and other Departments. If no fees for notarial services have been collected that fact must be reported. This record and transcript should include all notarial and unofficial acts for which a fee has been charged, and also gratuitous services of like character, such as the authentication of pension vouchers, bond transfers, etc.; describe the service so fully and clearly that its nature may be ascertained by inspection. Entry of the services as “affidavit,” “oath,” “certification,” “authentication,” etc., is insufficient. Many of these acts are concerned with the transfer of property and the execution of papers and instruments of importance. Questions are likely to arise at any time which it is desirable that the Department of State should have the means of answering, either from the information on its files or in the records of the several consulates. The Form (No. 159) which has been prepared for this purpose shows the particulars which the record shall contain and also

the form of oath to accompany it. If in the execution of papers witnesses are required, their names should be entered in the column of "remarks."

**487. Notarial services by consular clerks.**—When a consular clerk attached to a consular office is required to perform notarial or other unofficial services for the convenience of the consul, the consular clerk is entitled to reasonable compensation out of the fees received for the services, in addition to his salary, which is paid him for his official work only.

**488. Lien upon papers—disputed charges.**—Where it is necessary to insure payment, a consular officer may retain the papers committed to him in connection with the notarial or unofficial work until his proper fees are paid. In such case, however, he should promptly notify the party employing him of the completion of the work and of his readiness to transmit the papers or the information on receiving payment of his fees. If payment is refused, a full report of the case should be made to the Department of State.

If a dispute arises as to the proper charges and the consul and his employer are unable to agree, the facts may be laid before the Department, which will give such instructions as may be deemed proper.

**489. Commission to take testimony.**—When a court in the United States appoints a consular officer commissioner to take testimony in a foreign country for the use of that court, the commission is usually accompanied by interrogatories and full instructions, which the consul should be careful to follow. In such cases the consul acts, not in his official capacity as consul, but as an officer of the court which issues the commission, and his charges must not exceed those allowed by the court issuing the commission. These charges must be included in the record and transcript prescribed in paragraph 486.

**490. Where local government objects.**—Where the local government objects to the taking of testimony by a consular



officer, acting as commissioner for a court in the United States, the consul should return the papers with an explanation of the reasons why he is unable to execute the commission and with any suggestions he may be able to make as to the proper method of obtaining the testimony—whether by letters rogatory or otherwise.

## ARTICLE XXV.

## COMPENSATION OF CONSULAR OFFICERS.

**491. Two classes.**—With respect to their compensation, consular officers are divided into two classes, (1) those who are paid a fixed salary appropriated annually by Congress, and (2) those who are paid no salary, but receive their compensation in fees collected for official services and in payments from the Treasury of the United States for services to American vessels and seamen. (Paragraphs 496, 520.)

**492. Salaried officers.**—Consuls-general, consuls, and commercial agents, in Schedules B and C, receiving salaries fixed by law are entitled to compensation at the rate of their respective salaries, as follows:

1. Beginning not prior to the date of the oath of office, for time occupied in receiving instructions in the United States, not exceeding thirty days.—*R. S., sec. 1740.*

2. For the time actually and necessarily occupied in transit, by the most convenient route, between the places of their residence and their posts, not, however, to exceed the time fixed in paragraph 478. This applies both to transit from the United States and to transit to the United States at the termination of service, unless the officer dies, or is recalled for malfeasance, or resigns in anticipation of such recall. The time during which a consul may be unavoidably detained at his post while waiting for a conveyance to the United States, after delivering up the office, may be included in his home transit so far as not

to exceed in all the maximum time fixed in paragraph 478. In the event that the appointee is not in the United States at the time of appointment and receives his instructions while abroad, no allowance of salary will be made for the period so occupied, but only for so much of the prescribed time allowed for transit as shall be actually and necessarily occupied in reaching his post of duty.

3. From the date of entry upon official duty at their posts to the date when they cease to perform the duties of the office. This provision extends also to the time, after arrival at their posts, while awaiting the receipt of the exequatur or permission to act.—*R. S., sec. 1740.*

**493. No outfit or advance.**—No advance of salary or allowance in the nature of an outfit is made either for the officer or his family; nor is transportation furnished by the Government to any consular officer.

**494. When consulate transferred to new class.**—If Congress transfers a consulate from one class to another in an appropriation act, it thereby changes the salary; and the consul is entitled to no more than the salary provided for the class to which his office has been transferred.—*22 C. Cls. R., 330; 123 U. S., 182.*

**495. Allowance to widow or heirs.**—It has been provided by law that whenever a consular officer dies in a foreign country in the discharge of his duty, there shall be paid to his widow, or, if no widow survive him, then to his heirs at law, a sum of money equal to the allowance made to such officer for the time necessarily occupied in making the transit from his post of duty to his residence in the United States. The amount is paid directly to the widow, or heirs, as the case may be. This provision applies only to salaried consuls-general, consuls, and commercial agents.—*R. S., sec. 1749.*

**496. Feed officers.**—A consul-general, consul, or commercial agent not compensated by a fixed salary is allowed in lieu of

salary such fees as he may collect and such pay as his official services to American vessels and seamen (paragraph 520) may entitle him to receive in pursuance of law and these regulations to an amount not exceeding the rate of \$2,500 in each fiscal year. This compensation begins with the date of entry upon the duties of the office and terminates with the expiration of service at the post. No allowance is provided for the time occupied in receiving instructions or for the expenses of transit either to or from the post of duty.—*R. S.*, secs. 1730, 1740; *14 Stat. L.*, 226; *23 Stat. L.*, 56, sec. 12.

**497. Allowance for rent and clerk hire at feed offices.**—When the aggregate official fees collected at a feed consular office, together with those received from the Treasury for services to American vessels and seamen (paragraph 520), exceed \$2,500 a year, the Secretary of State may allow the consular officer out of the excess of such fees and payments, when sufficient, a sum not exceeding \$500 a year for office rent and a sum within the same limits for clerk hire. The fees received by a consular officer from consular agencies attached to the consulate are not to be counted as making a part of the \$2,500, or of the excess out of which the allowance for rent and clerk hire may be paid.—*R. S.*, sec. 1732.

**498. Fees of a retiring officer.**—A consular officer who is entitled to retain fees collected by him or by a consular agent under his supervision during any year, up to a fixed limit, and who retires from office during the course of a fiscal year, is not entitled to retain all the fees then collected, up to such limit, but only such part of the total annual allowance as is proportioned to the part of the fiscal year during which he has held office.—*R. S.*, sec. 2687; *71 Fed. Rep.*, 496. (Paragraph 572.)

**499. Compensation until actually relieved by successor.**—A principal consular officer, so long as he remains at his post with the sanction of the Department of State in the discharge of

the duties of the office, is entitled to compensation until his successor arrives at the post and actually takes charge of the office, or until he delivers the office to his vice-consular officer or in any other manner ceases to act as consul.

**500. Compensation when performing diplomatic duties.**—For such time as a consular officer may, under instructions, perform diplomatic functions in the absence of the diplomatic representative in the country to which he is appointed, he is entitled, in addition to his compensation as such consular officer, to receive compensation for his diplomatic services at the rate allowed by law for a secretary of legation in such country. In countries in which the United States have no such representative, a consular officer is not authorized to prefer any claim for extra compensation for services that may partake of a diplomatic character, whether performed under the instructions of the Department of State or otherwise. In case, however, expenses are incurred in carrying out the Department's instructions, such expenses will be reimbursed, if found proper on examination.—*R. S., sec. 1739.*

**501. Consul in charge of legation.**—A retiring diplomatic representative has no authority to install a consular officer in charge of an embassy or legation, unless expressly authorized by the President so to do; nor can the consular officer receive the pay provided by law for a *chargé d'affaires*. It is not unusual, however, for a consular officer to be charged with the custody of the archives and property of a legation. This circumstance does not invest him with any diplomatic character or functions, and no allowance will be made to him except for the necessary expenses of such custody.—*5 C. Cls. R., 430.*

**502. Salary during absence.**—It is provided by law that no consular officer shall receive salary for the time during which he may be absent from his post, by leave or otherwise, beyond the term of sixty days in the aggregate in any one calendar

year, but that the time equal to that usually occupied in going to and from the United States, in case of the return on leave of such officer to the United States, may be allowed in addition to the sixty days. A salaried officer may accordingly receive the salary of his office for sixty days while absent from his post on leave, and also for the time of transit both to and from his residence, in case he visits the United States, as explained in paragraph 470. This compensation is, however, subject to the agreement with the vice-consul-general, vice-consul, or vice-commercial agent, as the case may be, or, if there be no agreement between them, to the regulations providing for the compensation of these substitute officers in paragraph 506. In case the officer does not visit the United States no salary will be allowed after the expiration of sixty days.—*R. S.*, sec. 1742; *12 Op. Att. Gen.*, 410.

This limitation as to salary does not apply to marshals. They are entitled to salary whether present or absent, so long as they remain in office.—*2 Bowler's Comp. Dec.*, 455. (Paragraph 476.)

**503. Absence for more than ten days.**—When a salaried principal officer is absent from his post for a period exceeding ten days at any one time, without permission previously obtained from the President through the Department of State, no portion of the salary or compensation of the office will be allowed for any time in excess of the ten days, unless the propriety and necessity of the absence shall be made clear to the Department.—*R. S.*, sec. 1741; *18 Stat. L.*, 77. (Paragraph 466.)

**504. Resignation or recall for malfeasance.**—A consular officer will not be entitled to the compensation of his office in case he is recalled for malfeasance, or resigns in anticipation of such recall, except to the date of such resignation, or of the receipt by him, or at the consulate, of the notification of the

recall. In neither case will compensation be allowed for the time occupied in the transit to the United States.—*R. S.*, *sec. 1740*; *9 Op. Att. Gen.*, *89*.

**505. Resignation in the United States.**—The right to compensation of a principal consular officer who resigns while in the United States on leave of absence terminates with the date of the acceptance of the resignation, the lapse of his statutory leave, or the entrance of his successor in office upon his duties at the post, whichever first occurs.

**506. Compensation of vice-consular officers.**—The compensation of a vice-consul-general, vice-consul, or a vice-commercial agent is provided for only from that of the principal officer.—*R. S.*, *sec. 1703*; *7 Op. Att. Gen.*, *714*; *15 C. Cls. R.*, *64*.

The rules in respect to his compensation are as follows:

1. In case a principal officer is absent on leave for sixty days or less in any one calendar year and does not visit the United States, the vice-consular officer acting in his place is entitled to one-half of the compensation of the office from the date of assuming its duties, unless there is an agreement for a different rate, the principal officer receiving the remainder. (Paragraph 571.) But after the expiration of the sixty days, or after the expiration of the principal officer's leave of absence (if less than sixty days), the vice-consular officer is entitled to the full compensation of the office.

2. If the principal officer visits the United States on such leave of absence and returns to his post, the foregoing rule will include the time of transit both from and to his post, as explained in paragraph 492. But if the principal officer does not return to his post, either because of resignation or otherwise, the rule will embrace only the time of absence, not exceeding sixty days, together with the time of transit from his post to his residence in the United States.

3. If a principal officer absents himself from his post for a longer period than ten days without leave, the vice-consular

officer will be entitled to the full compensation of the office for the excess over ten days, unless the absence shall have been subsequently approved by the Department of State. If the absence shall have received such approval, the compensation will be regulated by the rules herein laid down as to other leaves of absence.

4. If a principal officer dies at his post, or if he resigns or is recalled for malfeasance, the vice-consular officer is entitled to the full compensation from the date of entering upon the duties of the office.

5. When a principal officer resigns while at his post and delivers the office to the vice-consular officer, the latter will receive the full compensation of the office from the date of entering upon its duties. When, however, the resignation is tendered while the principal officer is in the United States on leave of absence, the vice-consular officer will receive the full compensation from the date of its acceptance by the Department of State; but in this case his compensation for the period between the date of assuming the duties and that of the acceptance of the resignation will be in accordance with the foregoing rules respecting compensation during leaves of absence.

6. A vice-consul-general, vice-consul, or a vice-commercial agent designated by the diplomatic representative to fill a vacancy, as provided for in paragraphs 107 and 108, is entitled to the compensation of the office from the date of assuming its duties.

7. No allowance has been provided by law for the compensation of a vice-consul-general, vice-consul, or vice-commercial agent, or of any subordinate officers (except consular clerks), while receiving instructions, or during transit to or from his post, or for traveling expenses.—*R. S.*, sec. 1740.

**507. Drafts of vice-consular officers.**—When a vice-consular officer is authorized by his principal officer to draw the salary of the office, or any part thereof, during the absence, on leave or

otherwise, of the latter, the Auditor for the State and other Departments should at once be advised, in order that any drafts therefor may be duly protected. (Paragraph 566.) No drafts of a vice-consular officer, when in charge of a consulate, will be honored at the Treasury until the bond prescribed in paragraph 43 shall have been filed.

**508. Not entitled to two salaries.**—When a vice-consular officer draws for and receives the salary of the principal officer on the latter's authority, he is precluded from afterwards electing to receive a salary in a subordinate capacity in order to secure the payment of both the salaries. The principal officer, by his act of authorization, relinquishes his right to the salary, although it may have been done for convenience and the money appropriated to his use.

**509. Deputy consular officers.**—No provision has been made for the compensation of deputy consuls-general, or deputy consuls, except from the allowance made by law for the principal consular officer. They are therefore not entitled in that character to any compensation from the Government, except as thus provided for; but their services must be paid for by the principal officer.

**510. Consular agents.**—Consular agents are entitled, as compensation for their services, to such pay from the Government as their official services to American vessels and seamen may entitle them (paragraph 520) and to such fees as they may collect under these Regulations or to so much thereof as shall be determined by the President, not to exceed \$1,000 a year. And the principal officer of the consulate or commercial agency within the limits of which such consular agent is appointed is entitled only to the residue, if any, in addition to any other compensation allowed him by law for his services therein. But all moneys received for fees at any vice-consulates or consular agencies of the United States beyond the sum of \$1,000 in any one year, and all moneys received by any



consul-general or consul from consular agencies or vice-consulates in excess of \$1,000 in the aggregate from all such agencies or vice-consulates must be accounted for to the Secretary of the Treasury and held subject to his draft or other directions.—*R. S.*, secs. 1703, 1733; *23 Stat. L.*, 56, sec. 12; *71 Fed. Rep.*, 496.

**511. Consular clerks.**—Consular clerks appointed by the President receive a salary of \$1,000 a year. Those who remain continuously in service for a period of five years and upward are entitled to a salary of \$1,200 a year. They are also paid the actual and necessary expenses of travel between their residences and their posts of duty on appointment and return and during a transfer under orders from one post to another. They receive their salaries from the date they begin to discharge the duties to which they are assigned by the President, which date is usually simultaneous with that on which they take the oath of office.—*R. S.*, secs. 1704, 1705; *18 Stat. L.*, 70, sec. 5.

**512. Consular clerk as vice-consul.**—When a consular clerk appointed vice-consul acts in that character in the absence of the consul, he is entitled to the compensation of a vice-consular officer, but not in addition to the salary of consular clerk. He may in such a case elect which of the two compensations he will take.

**513. Vouchers to be for actual amount paid.**—When, under authority of law, or by direction of the Secretary of State, an officer employs any clerk, dragoman, interpreter, messenger, or like subordinate at the expense of the Government, the vouchers presented with the officer's quarterly accounts must show the amount actually paid to the employees. The same rule applies to all vouchers for moneys expended for any official purpose whatever; they must represent the amounts actually and necessarily paid for the purposes specified, to the exclusion of any pecuniary or material benefit directly

or indirectly accruing to the officer making the expenditure and accounting therefor, or to any person other than the one signing the receipt.—*R. S., secs. 3490, 5421, 5438, 5483.*

Any officer so charged with the expenditure of an appropriation or an allowance who shall require any clerk or employee to receipt or give a voucher for an amount greater than that actually received by him for the official service he performs is liable to a charge of embezzlement.

**514. No commissions allowed.**—No consular officer is permitted to receive any additional compensation, directly or indirectly, by way of commission or otherwise, for receiving or disbursing the wages or extra wages of seamen, or for advances made to them; nor is he allowed to derive any profit from, or be interested in, the supplies of any kind furnished to seamen, or in the compensation allowed for their transportation to the United States. In the latter case, however, if a consular officer is the owner of, or is otherwise interested in, the vessel bringing the seamen home, he is not prohibited from receiving such reasonable compensation as may be provided by law for the transportation.—*R. S., sec. 1719.* (Paragraph 275.)

**515. No extra compensation.**—The compensation provided by law for the several grades of consular officers is in full for all services they may be required to perform, and for all personal expenses that may be incurred under whatever law, treaty, or instructions the services may be performed.—*R. S., sec. 1743.*

**516. Fees applicable to salaries.**—Consuls who are compensated by salaries appropriated annually by Congress are authorized to pay themselves from the fees they may collect if these shall be sufficient for the purpose. If not sufficient, a draft may be drawn at the end of each quarter for the deficiency, or for the whole quarter's salary, as the case may be. In all cases drafts for salary of consuls should be drawn upon the Secretary of the Treasury. (Paragraph 566.)

Drafts for salary and for all other accounts must be drawn only at the end of each quarter, and for amounts then due, and must be preceded or accompanied by the corresponding accounts and vouchers. But in case of need salary may be drawn before the end of the quarter, provided a certificate be attached to the draft of the amount of fees received up to the time of drawing. Only the difference between the amount of such receipt from fees and the amount of salary accrued to the date of draft must in any case be drawn for. (Paragraph 581.)

**517. Fees applicable to salaries of subordinate officers.**—It is the custom for the principal officer to pay the salaries of consular clerks, marshals, and interpreters from the fees at the post at which they may be stationed. If these are not sufficient, a draft may be drawn by the principal officer as for other salaries (paragraph 555) to complete the payment of the marshal or interpreter; but a consular clerk shall draw for his own salary, or for such part as may not be paid out of the accumulated fees. (Paragraph 577.)

#### ARTICLE XXVI.

##### CONSULAR FEES.

**518. President to prescribe fees for official services.**—The President is authorized to prescribe from time to time the rates or tariffs of fees to be charged for official services, and to designate what shall be regarded as official services, besides such as are expressly declared by law, in the business of the several consulates and commercial agencies, and to adapt the same, by such differences as may be necessary or proper, to each consulate or commercial agency; and it is the duty of all officers and persons connected with such consulates or commercial agencies to collect for such official services such and only such fees as may be prescribed for their

respective consulates and commercial agencies, and such rates or tariffs are required to be reported annually to Congress.—*R. S.*, sec. 1745; 133 *U. S.*, 273; 31 *Fed. Rep.*, 697; 33 *Id.*, 572.

**519. Services official unless otherwise prescribed.**—All acts or services for which a fee is prescribed in the tariff of fees (paragraph 533) are to be regarded as official services, and the fees charged and received therefor are to be reported and accounted for to the Treasury of the United States except when otherwise expressly stated therein. The tariff of official fees must be kept posted in a conspicuous place in the consular office for the information of persons desiring official services.

**520. American vessels not required to pay.**—By law no fees named in the tariff of consular fees prescribed by order of the President can be collected by consular officers from regularly documented American vessels and seamen for official services to them. (Paragraph 182.) Consular officers, however, who are compensated by fees must furnish the master of every such vessel with an itemized statement of such services performed on account of said vessel, with the fee so prescribed for each service, and also make a detailed report to the Secretary of the Treasury of such services and fees, under such regulations as the Secretary of State may prescribe; and the Secretary of the Treasury shall allow consular officers who are paid in whole or in part by fees such compensation for said services as they would have received prior to the passage of said law. Such services will not be compensated, unless, in the opinion of the Secretary of the Treasury, they have been necessarily rendered. For full instructions in regard to accounts for services, see paragraph 575.—23 *Stat. L.*, 56, sec. 12; 18 *Op. Att. Gen.*, 111, 234.

**521. Effects of deceased citizens.**—**Consular courts.**—The fee (No. 15 of the tariff of official fees) for taking into possession and settling estates of citizens of the United States dying abroad

(Article XXIII) and transmitting the proceeds is official and must be paid into the Treasury; consular court fees are likewise official and must be accounted for. (Article XXX.)

**522. No additional charges allowed.**—When a fee is fixed in the tariff of fees for any particular act or service, no additional fee is to be demanded for signature, attestation, or affixing the seal of office; nor may any subordinate in the consulate charge a fee for a service rendered by him in connection with any service, official or unofficial, performed by the principal officer and for which the latter has charged a fee.

In regard to the verification of invoices, a penalty is provided for charging for blank forms, advice, or for clerical services in the preparation of the declaration or certificate, or for receiving any fee greater than that authorized by law; and if a consular officer collects or knowingly allows to be collected any other or greater fees than are allowed by law for any service, he is liable in treble the amount of the unlawful charge besides the liability to refund it. The practice of charging a personal fee for preparing an invoice is forbidden. In such case the Secretary of the Treasury is authorized to retain the amount of the overcharge out of the compensation of the consular officer.—*R. S., secs. 1716, 1723.* Provision has been made by law for the refundment at the Treasury of fees and charges erroneously collected by consular officers from the regularly documented vessels of the United States when the claim shall have been made within one year from the date of collection.—*23 Stat. L., 59, sec. 26.*

**523 Consul liable for fees not collected.**—If a consular officer who receives a salary omits to collect any fees which he is required to collect for any official service, he is liable to the United States therefor as if he had collected them, unless they shall be remitted, on good cause shown, by the Secretary of the Treasury. Receipts must be furnished by all consular officers, salaried or unsalaried, to owners, agents,

consignees, masters, or commanders of all vessels from whom official fees or charges or extra or arrears of wages of seamen shall be collected.—*R. S.*, secs. 1724, 4213. (Paragraph 183.)

**524. Tonnage fees.**—The tonnage fees provided for in fees 106 and 107 of the tariff and fees for granting Forms Nos. 13 and 14 are not charged by feed officers against the Treasury for American vessels running regularly, by weekly or monthly trips or otherwise, to or between foreign ports for more than four trips in a year. These fees are chargeable for each vessel on the first four trips in each calendar year. They are chargeable by the consular officer at the foreign port where the principal offices of the steamship company or owners are located. They are not to be charged at other consular offices on the route, whether within or without the same allegiance. Consular fees other than tonnage fees are chargeable for official services performed for such vessels; and when a vessel makes a special trip to a foreign port other than that to which she runs on her regular trips, the consul at the port thus visited is entitled to receive tonnage fees for the special trip, and the vessels are not exempt from the requirement to deposit the ship's papers at each port where an arrival is made.—*R. S.*, sec. 1720; *1 Comp. Dec.*, 374.

**525. Tonnage fees in Canada.**—No consul, vice-consul, or consular agent in the Dominion of Canada is allowed tonnage fees for any services, actual or constructive, rendered any vessel owned and registered in the United States that touches at a Canadian port. The word "touches" in this statute means that a vessel may enter a port, if such entry is connected with the purposes of her voyage.—*R. S.*, sec. 1722; *8 Saw.*, 350. If consistent with such purposes, taken in conjunction with the customs of the particular trade, she may land or load cargo there. Nor are these fees to be charged for such vessels touching at or near ports in Canada on their regular voyages from one port to another within the United

States, unless some official services required by law shall be performed by the consular officer. This statute, however, is held not to relieve the master of a registered vessel engaged in commerce between the United States and Canada from the provision of law which requires the deposit of the vessel's papers with the consular officer. — *21 Op. Att. Gen.*, 190. (Paragraph 175.)

**526. No fees for executing pension papers.**—Consular officers are not permitted to make a charge for administering oaths required to be made by pensioners and their witnesses in executing their vouchers for their pensions. — *25 Stat. L.*, 782. (Paragraph 455.)

**527. Fees to be paid in gold or its equivalent.**—All consular fees when collectible under the provisions of this article are to be collected in gold coin of the United States or its representative value in exchange. They are to be collected at the time when the service is performed, and consular officers are not authorized to give credit for their payment. — *R. S.*, *sec. 1746*.

**528. Currency tables.**—Tables showing the value of foreign coin as expressed in the money of account of the United States are prepared quarterly by the Director of the Mint and proclaimed by the Secretary of the Treasury. — *Tariff act of 1894*, *sec. 25*. Tables for reducing gold coin of the United States to English and French currency and other currency tables will be found in Forms Nos. 149, 161, and 162. (Paragraph 585.)

**529. Receipts.**—Receipts must be given when demanded for all fees which a consular officer is entitled to collect, whether official or unofficial, expressing the service for which they are received.

**530. Sworn reports of fees received.**—Every consular officer, in rendering his account of fees received, shall furnish a full transcript of the register which he is required to keep, and make oath that to the best of his knowledge the same is true and contains a full and accurate statement of all fees received

by him or for his use for his official services as such consular officer during the period for which it purports to be rendered. Such oath may be taken before any person having authority to administer oaths at the port or place where the consular officer is located. These accounts are rendered quarterly to the Auditor for the State and other Departments on the prescribed forms. (Paragraphs 567-570.)

**531. Numbering fees.**—The following rules must be observed in numbering official fees: The fees for the certification of all triplicate invoices, which include invoices of regular importations, of animals for breeding purposes; of returned American goods in original packages; of returned boxes, bags, barrels, kegs, carboys, and shooks of American manufacture; of personal or household effects, or teams of animals owned and used by emigrants, and of works of art, must, in the consul's returns, be included under one separate consecutive series of numbers and corresponding numbers placed upon the invoices or certificates.

The fees for landing certificates must bear a separate and distinct series of numbers, and corresponding numbers must be written or stamped plainly at the left-hand upper corner on the face of the certificates and marked "consular number."

All other fees collected must be numbered consecutively under one series.

Each series of numbers for fees should begin anew with No. 1 at the commencement of each calendar year.

All the fees should be entered at length on the fee book furnished by the Department of State, so as to complete the returns in accordance with Forms Nos. 101 and 102, and reported in three groups, as follows:

1. Fees received for certification of invoices and other documentation of merchandise and personal effects for shipment to the United States.

2. Fees for landing certificates.

3. All other official fees.



Each fee in groups 1 and 2 should bear the same number as the certificate for which it was received. The groups should be arranged in the order given, and each fee should be so placed in its group as to present in each group a consecutive series of numbers, beginning with each calendar year. In the column headed "Place of destination of invoices" (Forms Nos. 101 and 102) should be reported the place to which the triplicate copy of the invoice is sent. Consular officers having supervision of consular agents should see that the agents understand and make their returns of official fees in accordance with the directions of this paragraph.

**532. Returns of fees.**—The returns of fees must be made, in the manner hereafter indicated, without fail, at the close of each quarter. (Paragraph 568.) If no fees are received in any quarter, that fact should be reported on the prescribed form under oath. The statute declares a consular officer guilty of embezzlement and disqualifies him from holding any office of trust or profit under the United States who willfully neglects to render true and just quarterly accounts and returns of the business of his office, and of moneys received by him for the use of the United States, or to pay over any balance of such moneys due to the United States at the expiration of any quarter before the expiration of the next succeeding quarter.—*R. S., sec. 1734.* (Paragraph 569.)

**533. Tariff of official fees.**—The following is the revised tariff of official fees prescribed by order of the President under the authority conferred upon him by section 1745 of the Revised Statutes, to be charged by consular officers for official services, in addition to those specifically provided by law. All consular charges for official services must be in strict accordance with this tariff, and be collected in gold or its equivalent:

## I.—MISCELLANEOUS SERVICES.

1. Acknowledgments connected with the transfer of United States stock (Paragraph 447) .....	No fee.
2. Certificates to place of birth of emigrants, and only when desired by them .....	\$0.25
3. Sealing cars coming from Canada. For each manifest with the consul's certificate, including sealing of each car, vessel, bale, barrel, box, or package .....	.25
4. Certificate to emigrant's declaration covering animals, vehicles, and goods—Form No. 128 .....	.50
5. For issuing a passport—Form No. 9 .....	1.00
6. For visaing a passport—Form No. 10 .....	1.00
7. For administering oath and preparing application for a passport .....	1.00
8. For marriage certificate—Form No. 87 .....	1.00
9. Landing certificate, including oaths of master and mate, and the complete execution of the certificate, except by consular officers of the United States at posts on the Rio Grande, Mexico, where shall be charged for all debenture certificates as above \$2.50 when the declared value is \$2,500 or less, and \$5 when the declared value is over \$2,500—Form No. 151 .....	2.50
10. To certificate to invoice, including declaration in triplicate or quadruplicate (Form No. 140), covering either direct importations or transit shipments, including any extra or additional certificates not otherwise provided for which are required by law or regulations for use in connection with the entry of the wares or the forwarding of the same in bond .....	2.50
11. Such extra certificates when no invoice is certified, each .....	1.00
12. Extra copies of invoices, each .....	1.00
13. Certificate of disinfection .....	2.50
14. <i>Copies.</i> —For the first hundred words, 50 cents, and for every additional hundred words or less, 25 cents. When parties have a right to call for copies, consular officers must make them at this rate. But on request of the proper collectors of customs, copies of documents on file must be supplied free of charge. (Paragraph 697.) The fee for copies may be retained by the consul, but must be accounted for.	

15. For taking into possession the personal estate of any citizen who shall die within the limits of a consulate, inventorying, selling, and finally settling and preparing or transmitting, according to law, the balance due thereon, 5 per cent on the gross amount of such estate. If part of such estate shall be delivered over before final settlement,  $2\frac{1}{2}$  per cent to be charged on the part so delivered over as is not in money, and 5 per cent on the gross amount of the residue. If among the effects of the deceased are found certificates of foreign stocks, loans, or other property,  $2\frac{1}{2}$  per cent on the amount thereof. No charge will be made for placing the official seal upon the personal property or effects of such deceased citizen, or for breaking or removing the seals.—Art. XXIII.....

*Special fees in Morocco. (Executive order December 5, 1895.)*

16. For each certificate of protection.....	\$2.00
17. For each semsar certificate.....	1.00
18. For each certificate of employment.....	.50

II.—SERVICES TO SEAMEN AND VESSELS.

19. For issuing; preparing. and executing certificate upon complaint of crew of bad quality or insufficient quantity of provisions or water (Form No. 27); affidavit or certificate of attending physician (Form No. 26); receipt for effects of deceased seamen—Form No. 85.....	No fee.
20. Certificate to a seaman of his discharge—Form No. 18.....	No fee.
21. Certificate to master to take home destitute American seamen—Form No. —.....	No fee.
22. Declaration. When seamen were picked up at sea—Form No. 24.....	No fee.
23. Consul's order to send seamen to hospital—Form No. 22.....	No fee.
24. Agreement of master to give increased wages—Form No. 93.	No fee.
25. Authentication of each list or manifest of immigrants, with the oaths of master and surgeon attached, up to ten, 25 cents, and for each list above ten, 10 cents—Executive order June 5, 1895.	
26. Certificate to the examination required by section 2162 of the Revised Statutes, for each emigrant—Art. —.....	.25

*Filing documents in consulate.*

27. Consul's certificate to advertisement for funds on bottomry— Form No. 56.....	\$0. 25
28. Inventories of vessels, cargo, provisions, and stores, or either—Form No. 58.....	. 25
29. Estimate of repairs of vessel—Form No. 50.....	. 25
30. Advertisement of sale of vessel, cargo, provisions, and stores, or either—Form No. 57.....	. 25
31. Letter of master notifying consul of sale of vessel, cargo, provisions, and stores, or either—Form No. 60.....	. 25
32. Of master notifying auctioneer of sale of vessel, cargo, pro- visions, and stores, or either—Form No. 61.....	. 25
33. Accounts of sale of vessel, cargo, provisions, and stores, or either—Form No. 63.....	. 25
34. Calls of survey on vessel, hatches, cargoes, provisions, and stores, or either—Form No. 42.....	. 25
35. Warrants of survey on vessels, hatches, cargoes, provisions, and stores, or either—Form No. 43.....	. 25
36. Reports of survey on vessels, hatches, cargoes, provisions, and stores, or either—Form Nos. 44 and 48.....	. 25
37. For filing any other document prepared in or out of the con- sulate.....	. 25

*Declaration and oaths.*

38. Declaration and oath of master to one or more desertions, including oaths attached to crew list and shipping arti- cles—Form No. 33.....	. 50
39. To one or more deaths or losses of seamen overboard at sea, including oaths attached to crew list and shipping arti- cles—Form No. 74.....	. 50
40. To ship's inventories or stores—Form No. 59.....	. 50
41. To the correctness of log-book—Form No. 75.....	. 50
42. To ship's bills and vouchers for disbursements and repairs— Form No. 76.....	. 50

*Recording documents.*

43. Appointment of new master—Form No. 19.....	. 50
44. Average bonds, when required, for every one hundred words or less—Form No. 160.....	. 50

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45. Bill of sale, when required, for every one hundred words or less.....	0.50
46. Certificate given to master at his own request, when required—Form No. 23.....	.50
47. Consul's letter to captain of port, or authorities, in cases of sinking vessels—Form No. 53.....	.50
48. Order and consul's certificate to pay seamen's wages at home—Forms Nos. 80 and 81.....	.50
49. Powers of attorney, when required, for every one hundred words or less.....	.50
50. Protests of masters and others, other than marine protests, for every one hundred words or less.....	.50
51. Calls of survey on vessel, hatches, cargo, provisions, and stores, or either; warrants and reports thereof; estimates of repair; certificates of consuls to advertisements for funds on bottomry, and of sale of vessel; inventory of vessel, cargo, provisions, and stores; letter of master to consul notifying sale of vessel, cargo, provisions, and stores, or either; letter of master to auctioneer, and account of sales of vessel, cargo, provisions, and stores, or either, for every one hundred words or less of any document required to be recorded, except consul's certificate to masters taking home American seamen.....	.50
52. Any other document or instrument of writing not herein named or enumerated, prepared in or out of the consulate, and required to be recorded, for every one hundred words or less.....	.50

*Acknowledgments.*

53. Of the master to bottomry bond, with certificate under seal—Form No. 69.....	1.00
54. Of the master to a mortgage or mortgage bill of sale of vessel.....	1.00
55. Of the master to an order for payment of seamen's wages at home, including making up of the order if required—Forms Nos. 80 and 81.....	1.00
56. Of assignment of bottomry bond—Form No. 71.....	1.00
57. Of the vendor to a bill of sale of vessel.....	1.00

*Certificates.*

58. To indorsement of bottomry on ship's register—Form No. 72	\$1.00
59. To ditto on payment of bottomry on ship's register—Form No. 73	1.00
60. To ditto of new ownership on ship's register—Form No. 78	1.00
61. To canceling ship's register—Form No. 67	1.00
62. To the deposit of a ship's register and papers when required by custom-house authorities	1.00
63. In cases of vessels deviating from the voyage—Form No. 77	1.00
64. To the ownership of a vessel—Form No. 78	1.00
65. To roll or list of crew, when required by the captain or authorities of the port—Form No. 79	1.00

*Shipping or discharging seamen.*

66. For every seaman who may be discharged or shipped, including the certificates or acknowledgment thereof attached to crew list and shipping articles—Forms Nos. 16, 17, and 82	1.00
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*Consul's orders.*

67. To send seamen to prison—Form No. 31	1.00
68. To release seamen from prison—Form No. 32	1.00
69. To authorities or captain of the port, in cases of sinking vessels—Form No. 53	1.00
70. Requesting the arrest of seamen—Form No. 34	1.00
71. Notice to master of result of examination on complaint of crew—Form No. 28	1.00
72. Warrant of survey on vessels, hatches, cargo, provisions, and stores, or either—Forms Nos. 43 and 47	1.00
73. Notifying surveyors of their appointment	1.00
74. For any other letter or order of like character	1.00

*Authenticating copies of papers.\**

75. Of advertisements for funds on bottomry—Form No. 56	1.00
76. Of inventories and letters, or either, of master—Form No. 62	1.00

\* When it is possible to embrace several signatures in one certificate, the consul will do so, and but one fee will be charged for such certificate.

77. Of account of sales of vessels, cargo, provisions, and stores, or either—Forms Nos. 57 and 65.....	\$1.00
78. Of call, warrant, and report of survey on vessel, hatches, cargo, provisions, and stores, or either—for example, see Form No. 52.....	1.00

*Authenticating signatures.\**

79. To average bonds—Form No. 160.....	1.00
80. To estimate of repairs of vessel—Form No. 51.....	1.00
81. To (auctioneer's) account of sale of vessel or cargo, provisions, or stores—Forms Nos. 63 and 64.....	1.00
82. To reports of survey on vessel or cargo, provisions, or stores—Forms Nos. 45 and 49.....	1.00

*Protests.*

83. For noting marine protests—Form No. 37.....	2.00
84. For extending marine protest—Form No. 38.....	3.00
85. And if it exceed two hundred words, for every additional one hundred words.....	.50
86. Protest of master against charterers or freighters—Form No. 39.....	2.00
87. Authenticating copies of marine note of protest—Form No. 37.....	1.00
88. Authenticating copy of extended protest—Form No. 38.....	1.00

*Miscellaneous services to vessels.*

89. For consul's seal and signature to clearance from custom-house authorities †.....	2.00
90. For clearance when issued by the consul, as at free ports..	2.00
91. For entry of result of examination in vessel's log book—Form No. 29.....	2.00
92. Certificate to appointment of new master, including oath of master—Form No. 19.....	2.00
93. Certificate given to a master at his own request—for example, Form No. 23.....	1.00

\* When it is possible to embrace several signatures in one certificate, the consul will do so, and but one fee will be charged for such certificate.

† This service should be performed only when requested by the master of the vessel.

94. Certificate to conduct of crew on board in cases of refusal of duty and in cases of imprisonment, etc.—Form No. 40	\$2.00
*95. To bill of health .....	2.50
*96. For the visa or indorsement of a bill of health.....	.50
97. Certificate to a vessel's manifest .....	2.50
98. Certificate to the purchase of foreign-built or American vessel abroad—Form No. 35.....	2.50
99. Certificate to manifest of fish, oil, bones, etc.—Form No. 158	2.50
100. Certificate to decision and award in cases of protest against masters, passengers, or crew—for example, see Form No. 41.....	5.00
101. For attending an appraisement of goods or effects, daily..	5.00
102. For attending valuation of goods, for every day's attendance during which the valuation continues.....	5.00
103. For attending sale of goods, for every day's attendance during which the sale continues.....	5.00
104. For attending sale of vessel, when required.....	5.00
105. For attendance at a shipwreck, or for the purpose of assisting a ship in distress, or of saving wrecked goods or property, over and above traveling expenses, a per diem of \$5, whenever the consul's interposition is required by the parties interested .....	5.00

*Receiving and delivering ship's papers.*

106. For receiving and delivering ship's register and papers, including consular certificates, as prescribed in Forms Nos. — and —, 1 cent on every ton, registered measurement (net), of the vessel for which the service is performed, if under 1,000 tons; but American vessels, running regularly by weekly or monthly trips, or otherwise, to or between foreign ports, shall not be required to pay tonnage fees for more than four trips in a year; and tonnage fees shall not be exacted from any vessel of the United States touching at or near ports in Canada on her regular voyage from one port to another within the United States, unless some official service required by law shall be performed .....	.01
107. And for every additional ton over 1,000, one-half of 1 cent.	

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\* Not to be collected from foreign war vessels.



## ARTICLE XXVII.

## CONSULAR ACCOUNTS AND RETURNS.

**534. General accounts.**—Consuls are required to keep the following general accounts when the business of their offices renders them necessary: (1) “Contingent expenses, United States consulates;” (2) “Allowance for clerks at consulates;” (3) “Relief and protection of American seamen;” (4) Salaries, consular service;” (5) “Record of official fees;” (6) “Pay for services to American vessels and seamen;” (7) “Compensation from consular fees received;” (8) “Loss by exchange, consular service.” These, with other accounts and documents hereinafter explained under their proper heads, are, some of them, called “accounts” and some styled “returns” in the statute.

**535. Special accounts.**—In case a special account for any other purpose is opened by request of any Department, that account will be kept separate, and a separate return thereof made to the proper Department. Expenditures incurred for any other Department are not to be included in any account against the Department of State.

**536. To be made quarterly.**—All accounts, except the final account and the accounts for salary while awaiting instructions and while going to the post, must be rendered at the close of the calendar quarter, viz: On the 31st of March, 30th of June, 30th of September, and 31st of December. The quarters are to be designated thus: “Quarter ending March 13, 189-;” “Quarter ending June 30, 189-;” “Quarter ending September 30, 189-;” and “Quarter ending December 31, 189-.” If not rendered on the day, the Department of State must be advised of the reason for the delay, and the accounts must be forwarded by the earliest possible mail.

**537. Not to cover different fiscal years.**—No one account should

embrace time or transactions belonging to different fiscal years of the Treasury. Treasury appropriations and adjustments are confined to the fiscal years ending June 30, and when, for instance, a transit-salary period or an expenditure for the relief of a seaman extends from one fiscal year into another, two accounts should be rendered.

**538. Accounts to be sent to Department of State.**—The following separate accounts are to be transmitted to the Department of State: The salary account of a consul-general who is also accredited as minister resident (Form No. 125); account for contingent expenses, United States consulates (Form No. 90); account for allowance for clerks at consulates (Form No. 165); account for salaries, marshals for consular courts (Form No. 165); account for salaries, interpreters to consulates in China and Japan (Form No. 165); account for expenses of interpreters and guards in Turkish dominions (Form No. 165); account for expenses of prisons for American convicts (Form No. 165); account of fees received by marshals of consular courts and of the expenditures, to be supported by vouchers; account for expenses incurred in the arrest and transportation of persons charged with crime; account for expenses of acknowledging the services of masters and crews of foreign vessels in rescuing American seamen and citizens; and any account specially ordered by the Department of State.

**539. Accounts to be sent to the Auditor.**—The following separate accounts are to be sent to the Auditor for the State and other Departments: Account for relief and protection of American seamen (Form No. 94); account for salaries, consular service (Forms Nos. 106, 108, 112, 116) (the account of a consul-general who is also accredited as secretary of legation is to be sent to the Auditor for the State and other Departments); record of official fees (Forms Nos. 101 and 102); account for pay of consular officers for services to American

vessels and seamen (Form No. 167); account for compensation from consular fees received (Form No. 116); account for salaries of consular clerks (Form No. 165); account for loss and gain by exchange, consular service (Form No. 92); and any account specially ordered to be sent to the Treasury Department.

**540. Preparation of accounts.**—The quarterly or other accounts sent to the Department of State should be inclosed in a single dispatch. An account ordered by special instructions should be sent in a separate dispatch. A transcript of all accounts should be recorded in the proper consular record.

Dispatches forwarding quarterly accounts or transmitting advice of drafts should not be numbered. (See also paragraph 117.)

**541. To be stated in currency of the United States.**—All accounts of consular officers must be stated in the currency of the United States; and all drafts on the Secretary of the Treasury or the Secretary of State must be drawn, not in foreign money of account or currency, but in the money of the United States. In all cases when the disbursements are actually made in foreign currency the vouchers themselves should be taken and rendered to the Treasury in the same currency in which the disbursements are made; and when the value quoted in the Secretary of the Treasury's quarterly proclamation of value of foreign coins (paragraphs 528, 585) is not used in the reduction of the payments to the currency of the United States, satisfactory evidence should accompany the accounts as to the correct valuation of such foreign currency in the coinage of the United States, or the standard money of the country in which the transaction occurred, either in the form of a certificate of a responsible banker or of the consular officer himself based on authentic quotations. (See paragraph 578.) Where a currency foreign to the standard currency of the country where the consular officer is located or a depreciated

currency of said country is involved, a certificate must be furnished showing the relative value of the foreign or depreciated currency to the standard coinage of the foreign country where the consular officer is located.

#### VOUCHERS.

542. Unless otherwise specially instructed, a proper and satisfactory voucher must be furnished for every disbursement by consular officers. Vouchers should be in the English language, or, if not, they should be accompanied by a careful translation. They should be full, showing exactly what the disbursement was for, and should be numbered and referred to in the corresponding account by number. Vouchers in a foreign language not accompanied by translations will be suspended by the accounting officers. In all cases they must be original. Copies of vouchers will not be audited. (As to vouchers for telegrams, see paragraph 462.)

#### CONTINGENT EXPENSES, UNITED STATES CONSULATES.

543. The account for contingent expenses (Form No. 90) is to be transmitted by consular officers to the Secretary of State at the end of each quarter. It must contain every item of necessary disbursement made by him during the quarter for which it is rendered which he deems properly chargeable to the Government and for which an allowance is claimed.—29 *Stat. L.*, 38. These items are divisible into three classes:

1. Those expressly allowed by the Consular Regulations.
2. Those specially authorized in writing by the Department of State.
3. Those made under pressure of an emergency.

In every case the expenditure must be necessary in its nature, reasonable in its amount, and appropriate to the particular consulate for which it is made.

Expenditures under the second class will only be authorized

upon written statement of the consular officer, showing the necessity therefor; and where authorized, if for one or more specific items, such authorization will expire when payment therefor has been made; if for regular expenditures from time to time, it will become void at the expiration of the time fixed therein; but in no case shall any authorization above provided for be effective after the termination of the fiscal year in which it was issued.

Where expenditures are made under the third class the voucher therefor is to be accompanied by a sworn statement of the consular officer, setting forth the nature of the emergency calling for such expenditure, and forwarded to the Secretary of State with his next quarterly account.

If the fees applied as directed in paragraph 567 fail to meet this account, the consul will draw for the deficit on the Secretary of State.

**544. Rent, salaried consuls.**—Consuls and commercial agents in Schedule B, whose annual salaries exceed \$1,000 a year, may charge for rent the sum actually paid by them, to an amount not exceeding 20 per cent of the salary named in the statute. The voucher must show that the office is devoted solely to the business of the consulate, and though a consul may occupy a part of the building in which he may have his consular offices as a residence for himself and family, only such part of the premises as are actually occupied for the use of the consular office can be paid for out of the Government's allowance for rent. Consular officers whose annual salaries do not exceed \$1,000 a year are not entitled to any allowance for office rent, and no application for such an allowance will be considered. (For form of the voucher for office rent see Form No. 91.)—*R. S., sec. 1706.* (Paragraphs 64–67.)

**545. Rent, unsalaried consuls.**—Unsalariated consuls are not entitled to rent, unless the fees collected or fees collected and due for services to vessels exceed the amount which they

are allowed to receive for their compensation. In no event can they receive from these sources more than the amount actually paid for rent, which must never exceed the rate of \$500 for the year. They are not authorized to draw for the expense of office rent or for their compensation either upon the Department of State or the Treasury. The receipts out of which office rent may be paid are those of the consulate, exclusive of such as may arise from consular agencies.—*R. S., sec. 1732.*

**546. Postage.**—Consular officers will be required to accompany their postage account with proper vouchers, showing the number and denominations of the stamps purchased and charged for in the account. (Paragraph 542.) Postage is not to be charged in the account of a consular officer except on dispatches and letters received and written by him on official business and by reason of his office. (Paragraph 459.) The accounts for this disbursement will be carefully examined. The Treasury Department has decided that it is unlawful for consular officers to buy postage stamps with Government funds for their private or business letters, or to include in their accounts their private postage as a part of their expenditures for the Government. No allowance for postage of a purely personal character will be made. (Paragraph 445.)

**547. Economy in postage.**—Consuls will take care to avoid unnecessary expenditures for postage. The use of light paper in formal returns, the limitation of their size, and the excision of blank half sheets from short inclosures are suggested as means to this end.

**548. Stationery.**—The stationery ordinarily needed in a consular office is in general furnished by the Department of State. A schedule of all the articles furnished to consulates is sent out periodically. By prompt notice to the Department of deficiency likely to occur, consuls need never be forced to purchase such articles in the local market.

**549. Freight and charges on boxes and packages to and from the Department.**—When boxes and packages are addressed to or from the consul, the voucher should be accompanied by a brief memorandum, showing in general terms their contents.

**550. Flagstaff and fixtures, flag, seal and press, record books, and blank forms.**—Principal consular officers are authorized to purchase a suitable flagstaff and fixtures on permission first obtained from the Department of State. Flags, seals and presses, record books, and blank forms are supplied by the Department on requisition.

**551. Furniture.**—It is expected of consular officers that their offices should be suitably and respectably furnished. For this purpose they are allowed for furniture such articles as the Secretary of State shall deem necessary for the good of the service. In all cases, before incurring expense for furniture, consular officers will obtain the sanction of the Department of State; and in their applications they will be careful to state the articles required and the estimated cost of each. (Paragraph 431.)

**552. Binding.**—A consular officer should, as fast as the correspondence accumulates in sufficient quantities, cause it to be neatly bound in the manner prevailing in the consulate. If practicable, it is better to have this work done at his office. The cost is a proper item of contingent expense. Consular reports and printed documents received at the consulate should not be bound without permission obtained after submitting an estimate of the cost.

**553. Charges not allowed, etc.**—No allowance will be made to consular officers for expenditures for the following objects: Repairs, or care, or cleaning of office or attendance; donations, taxes, carriage hire, traveling expenses, statistics, newspapers, messenger service, and Chinese writers, unless authorized; contributions to charitable or other objects; foreign flags; telegrams, except in cases of exigency; printed

books or maps; clerk hire, unless provided for by law and under authority from the Department of State; or for copying or translations, except when made by special order of the Department. Repairs, however, of the official seal or of furniture, and the expense of moving the archives and property on a change of location of the consulate, are proper charges against the Government. So also is the amount of duties and charges paid at foreign custom-houses on official supplies of stationery, flags, furniture, or other articles sent by the Department. Fireproof safes are provided only for the more important consulates and upon satisfactory representation of the necessity for their use.

#### ALLOWANCE FOR CLERKS AT CONSULATES.

**554.** The account for allowance for clerks at those offices for which it has been provided (paragraph 27) must be rendered separately to the Department of State. It should be accompanied by the receipt of the person employed as clerk, and by the consul's certificate that the service has been performed as charged for, and that the account is correct and just. If it is necessary to draw for the amount (paragraphs 567, 572), or for any part of it, the draft should be a separate draft drawn upon the Secretary of State. (Form No. 114.)

#### CONSULAR COURT AND PRISON ACCOUNTS IN NON-CHRISTIAN COUNTRIES.

**555. Accounts for salaries of marshals, interpreters, and guards.**— Consuls will pay the salaries of marshals at consular courts; the salaries of interpreters at consulates in China, Japan, and Zanzibar; and the expenses of interpreters and guards in Turkish dominions. Separate accounts and vouchers for such payments should be forwarded quarterly to the Department of State in the same dispatch transmitting accounts for contingent expenses and clerk hire. Drafts for these accounts



should be drawn upon the Secretary of State. (Form No. 165; paragraph 517.)

**556. Expenses of prisons for American convicts.**—The account for expenses of prisons for American convicts is to be transmitted quarterly, with the necessary vouchers, when such expenses shall have been incurred, to the Department of State. This account covers the actual cost of rent of prison and of keeping and feeding prisoners. It also covers the wages of keepers at Shanghai, Kanagawa, and in the Turkish dominions. It is provided by law, however, that no more than 50 cents per day for the keeping and feeding of each prisoner while actually confined shall be allowed. It has been decided that the cost of prison rent is not to be computed in this per diem allowance; and medical attendance and medicines, when required, are also exempted from being included. Wages of keepers at Shanghai, Kanagawa, and in the Turkish dominions are especially provided for in the law independently of the 50 cents per day limit. But no allowance shall be made for the keeping and feeding of any prisoner who is able to pay or does pay the above sum of 50 cents per day, and the consular officer shall certify to the fact of inability in every case. Form No. 165 is suitable for use in rendering this account.—*28 Stat. L., 824.*

#### RELIEF AND PROTECTION OF AMERICAN SEAMEN.

**557. Accounts relating to seamen.**—The returns to be made under this general account are: (1) Statement of relief of seamen and account current (Form No. 94); (2) detailed list of seamen discharged, shipped, deserted, and deceased (Form No. 124); (3) return of seamen who have come upon the consulate otherwise than in the employment of vessels or by regular discharge therefrom (Form No. 126). All of these returns are to be transmitted to the Auditor for the State and other Departments. But it is not necessary to send the blank forms when

there have been no transactions relating to seamen; mention of the fact by the consular officer in a dispatch will be sufficient. The third form mentioned, Form No. 126, is to be filled up and forwarded on the date of the arrival of the seamen at the consulate. The others are to be rendered quarterly. Attention is called to previous instructions herein for information as to the items to be embraced in the account for the relief of seamen and the vouchers to sustain them. (For forms of sundry vouchers, see Forms Nos. 95, 96, 97, and 98.)

**558. Statement of relief of seamen and account current.**—This return should be prepared as shown in Form No. 94, and should be a complete statement of the entire receipts and disbursements on account of seamen during the quarter for which it is rendered. Where seamen have been discharged with one month's extra wages, the grounds on which they have been so discharged should be noted on the statement in the column headed "Remarks." So, also, where seamen have come upon a consulate casually, or otherwise than in the employment of vessels or by regular discharge therefrom, the manner in which they came upon the consulate should be stated, with the names of the vessels on which they were last employed and the ports to which they belong; and particulars (as full as possible) should be given showing how and why such seamen left the employment of their vessels. The statement of account at the bottom of the form should show on the debit side the amount disbursed for the relief of seamen and the balance of wages paid to the seamen, and on the credit side it should show the full amount of extra wages and arrears and other moneys received for seamen. For any balance that may be due from the United States on this account, the consul may draw on the Secretary of the Treasury, unless he has in his hands sufficient funds to pay the same from surplus fees.

**559. Detailed list of seamen discharged, shipped, deserted, and deceased (Form No. 124).**—This return is clearly explained by

its title. Consular officers are required by section 7 of the act of June 26, 1884, to collect all arrears of wages due to seamen at the time of their discharge.—*23 Stat. L., 55, sec. 7.* A return of these wages, and of the extra wages collected, should be made quarterly on this form to the Auditor for the State and other Departments and should be accompanied by the seamen's receipts therefor. (Form No. 164.)

**560. Ships' bills to be made in duplicate.**—All consular bills against vessels of the United States for moneys collected shall be made in duplicate and shall show each item of charge, including all moneys received for wages and extra wages, corresponding in these respects to the entries in the "Ship's daily journal" (Form No. 135). The originals of such receipts are to be delivered to the master of the vessel; and the duplicates, after being countersigned by the master, are to be sent by the consular officer as vouchers to the proper quarterly account to the Auditor for the State and other Departments. In case the signature of the master can not from any cause be obtained, the reasons therefor should be reported to the Auditor at the time of sending the account. (Paragraphs 183 and 523.)

#### SALARIES, CONSULAR SERVICE.

**561. Receiving instructions.**—The first salary account will be stated for the time, not exceeding thirty days, during which the consular officer is receiving his instructions. (Form No. 106.) The time can not begin prior to the date of the oath of office. (Paragraph 492.) The draft therefor is drawn before departure. A certificate (Form No. 107) of the number of days occupied in receiving instructions should accompany the account. No allowance of salary, however, on account of time occupied in receiving instructions is made when the appointee is out of the United States at the time of appointment.

**562. Drafts and accounts for instruction period.**—Drafts and accounts for the instruction period should, when practicable, be made out with the assistance of the accounting officers of the Department of State. This account is to be sent to the Auditor for the State and other Departments.

**563. Transit and awaiting exequatur.**—A separate account must be stated for the time occupied in transit from the residence of the consular officer to his post of duty. (Form No. 108.) This account must be accompanied by a certificate (Form No. 109.) The transit must be made in the shortest time in which it can be accomplished by the ordinary routes of travel. In no case can a draft for transit salary be drawn before the journey is completed.

Consular officers coming home after retiring from office will not be allowed transit salary unless the return home takes place within a reasonable time after delivering up the office or being otherwise relieved from its duties. The final or home-transit account must be accompanied by a certificate (Form No. 111.)

If the consular officer, after arrival at his post, is obliged to wait for his exequatur or is delayed in taking charge of the office, the account for the time so occupied should accompany the transit account, and he should certify in regard to the time thus actually and necessarily occupied as in the case of transit.

The Department of State should be promptly advised by consular officers of the time occupied by them in making the transit to and from their posts of duty at the beginning and termination of service, and also of the time while awaiting the receipt of authority to act at their posts.

**564. Final account and draft.**—It is also a rule of the Treasury Department not to pay any draft for final account until all the accounts of the officer shall have been received and

adjusted. It is therefore unsafe to draw on final account until the letter of advice thereon is received.

**565. Salary account current and certificate as to absence.**—After the consul arrives at his post and enters upon his duties, the regular accounts should be rendered quarterly, the quarters ending March 31, June 30, September 30, and December 31. The first account at his post should embrace the period from the date of entry on duty to the end of that quarter, and after this the accounts should be rendered for the full quarter, except when broken by the changing of the officer's term of service, or by his going away on leave of absence.

*Mode of stating.*—The mode of stating the salary account current of a consular officer is shown in Form No. 112. If the officer be also minister resident, his salary account should follow form No. 125. The first account rendered after entry upon duty should be accompanied by a certificate (Form No. 110) showing the day on which the consular officer took charge of the office; and that account and all subsequent ones should be accompanied by a certificate as to absence (Form No. 113), showing how many days the officer has been absent from his post and duty during that quarter, and whether by leave or otherwise.

**566. Drafts for residue of salary.**—When the amount received by any salaried consular officer on account of official fees during the quarter shall be less than his salary for such quarter, he may draw on the Secretary of the Treasury for the difference at fifteen days' sight. It must be stated on the face of the draft that it is for the residue of salary, designating the quarter in which the deficiency occurred for which it is drawn and whether payable in coin or currency. The account of the receipts of the consular officer during the same quarter must precede the draft, so that it may be received and adjusted by the accounting officers prior to the presentation of the draft.

The drafts of consular officers on account of their salaries will not be honored, unless drawn in the manner stated in these Regulations (paragraphs 507, 516, 517, 578, 583) and accompanied with the official statements and certificates herein pointed out. For the form for the draft upon the Secretary of the Treasury for salary, see Form No. 114.

**567. General quarterly account current when surplus of fees.**—When the quarterly account shows a surplus due the Government, the account should be stated in the return in the manner shown in Form No. 116, instead of in the manner shown in Form No. 112. For the mode of calculating consular salaries, see Form No. 131.—*28 Stat. L., 552.*

*Disposition of fees.*—The fees collected during each quarter will be applied: (1) to the payment of the compensation of the consular officer; (2) to the authorized disbursements for office rent and miscellaneous expenses; (3) to the allowance for clerks at consulates; (4) to the relief of destitute seamen; (5) to the expenses of arrest and transportation of persons charged with crime; (6) to any other authorized account, as stated in paragraphs 534–540; (7) to the expenses incurred under special instructions.

If, after the payment at the close of each quarter of the several accounts mentioned in the foregoing paragraph, there shall still remain in the hands of the consul a surplus, he shall deposit the same with Messrs. Brown, Shipley & Co., London, or the Treasurer of the United States, taking a receipt, which must accompany his next salary account.

No authority can be given to a consular officer under which he can be relieved of his liability for fees or other public moneys in his possession deposited with banks or bankers other than the designated bankers of the United States. All such deposits are made at his own risk; and in the event of loss by failure of the bank, or otherwise, the consul must

make it good, and the sureties on his official bond are liable for such loss. Interest accruing on public moneys voluntarily loaned by a consular officer to a bank or other borrower belongs to the Government and must be accounted for and treated as an official receipt.—133 U. S., 273, 289.

*When expenses exceed fees.*—In case the fees should exceed the salary and still come short of paying all the several accounts, and the balance of the general account current should be in favor of the officer, it should not be drawn for in one draft, as though it is all for salary; but the draft or drafts should be made for the amount or amounts due on the respective accounts which are not covered by fees, and the account specified, both in the account current and draft. (Paragraph 578.)

#### OFFICIAL FEES.

**568. Return of official fees.**—All consular officers, whether salaried or unsalaried, will make a quarterly return directly to the Auditor for the State and other Departments, and not through the Department of State, of all official fees received during the quarter for services of whatsoever kind. A separate return must also be made for each consular agency. Each return must be sworn to by the officer who collected the fees. Fees collected by a principal officer in the absence of an agent for official acts which the agent would have performed if he had been present at his post must be included in the principal officer's return, and not as part of the business of the agency. If no fees have been received, that fact must be stated on the return. If the consular officer resides at a seaport, the return should be as shown in Form No. 101. If he resides at an inland place, it should be as shown in Form No. 102. Consular officers will be required to state clearly in their returns the exact nature of each fee, both on account of

services to vessels and otherwise. The fees must be tabulated by the consular officer and entered in the accounts current (Forms Nos. 112 and 116) according to the headings therein given.

*Consuls-general who are also ministers to make reports of fees.*—Consuls-general who are accredited as ministers resident should also forward the quarterly return of consular fees as above required; and when such officer shall have occasion to credit consular fees, it should be done in his account for salary. Passport fees received by a minister resident and consul-general should be credited in his account for contingent expenses of foreign missions.

**569. Neglect to report fees.**—It is provided by law that any consular officer of the United States who shall willfully neglect to render true and just quarterly accounts and returns of the business of his office and of moneys received by him for the use of the United States, or who shall neglect to pay over any balance of such moneys which may be due to the United States at the expiration of any quarter before the expiration of the next succeeding quarter, shall be deemed guilty of embezzlement of the public moneys, and shall, on conviction thereof before any court of the United States having jurisdiction of like offenses, be punished by imprisonment not exceeding one year and by a fine not exceeding \$2,000, and shall be forever disqualified from holding any office of trust or profit in the United States.—*R. S., sec. 1734.* (Paragraph 532.)

**570. Aggregate of fees.**—Consular officers must also, on the 30th of June in each year, make a return to the Department of State, in the form given in Form No. 105, of the aggregate of official fees received at the consulate and the consular agencies connected with it during the fiscal year ending on that day.



DRAFTS AND ACCOUNTS DURING ABSENCE OF SALARIED  
PRINCIPAL OFFICERS.

571. Principal and vice consular officers, being under separate official bonds, should render separate accounts of the business of their offices for the time they may each, respectively, be in charge. In the absence of a principal salaried officer from his post, by leave or otherwise, in excess of the ten days' limit prescribed by section 1741 of the Revised Statutes, all the accounts and vouchers up to the day of his departure from, and from and after the day of his arrival again at, his post must be rendered in his own name, and the accounts of the time of the vice-consular officer who may be in charge must be rendered in his own name. The principal officer should also render a statement of account for the salary due to him while he is absent from his post. The agreement, if any exists, between the officers in regard to compensation should be furnished with the accounts; or, if the principal consular officer is to receive the full salary, a waiver of the vice-consular officer is all that is necessary. In the absence of agreement or waiver the accounts will be settled under the provisions of paragraph 506. Any compensation accruing to the consulate from the fees and services of the agencies will be subject to a like division with the salary, unless a different agreement shall be furnished. Drafts for the salary of a vice-consular officer must be in his own name, and drafts for the salary of a principal at or absent from his post must be in his own name. In case one of the officers should pay to the other his salary or compensation out of the fees in his hands, receipts must be taken for the amounts so paid and be forwarded with the accounts. Fees or other moneys which may be turned over from the one officer to the other must be receipted for and credited

and charged in their respective accounts. A vice-consular officer must accompany his accounts with the certificate as to absence (Form No. 113) in the same manner as the principal officer.

COMPENSATION FROM CONSULAR FEES RECEIVED.

**572.** This account appertains to those consular officers who receive their compensation from the fees they collect for their official services. They should render quarterly to the Auditor for the State and other Departments an account current, together with a certificate as to absence (Form No. 113) and the record of fees. Form No. 116 can be adapted to the purposes of the account current. In no case is authority granted these officers to draw upon the Government for compensation, or for the expense of office rent, or for clerk hire payable out of fees. These accounts being contingent upon the annual receipts from fees, they will not be adjusted at the Treasury until the close of the fiscal year, which ends June 30 of each year. But if the consular officer's term of service should be for a fractional part of the fiscal year, his account will be adjusted for the part of the year while he was in charge, and will be settled independently of the receipts during the other portion of the fiscal year. (Paragraph 498.) A surplus of fees due to the Government in one fiscal year can not be applied to compensation or clerk hire or office rent for another fiscal year. When a principal officer is entitled to receive, besides fees, an amount for pay for services to vessels and seamen, his account will be settled quarterly. The accounts and vouchers for office rent and clerk hire to be paid from the excess of fees over the compensation must be sent to the Department of State.—*71 Fed. Rep.*, 496.

**573. Accounts during absence of feed principal officer.**—Paragraph 571 is also applicable in the absence of a principal

officer who is compensated by fees, so far as the rendition of separate accounts and the furnishing of the certificate relating to absence are concerned. The law (*R. S., sec. 1782*) provides that only the excess of fees shall be held subject to the direction of the Secretary of the Treasury, and therefore the Treasury Department does not assume any control in the matter of a division of the compensation between the principal officer and the vice-consular officer during the absence of the former; but yet it is necessary under his bond that the accounts of each shall be rendered and settled separately. Each of these officers will therefore render separate accounts of fees, services to vessels, and disbursements for the time he shall be in charge with all the vouchers in his own name, together with the requisite certificate relating to absence. (Form 113.) The compensation accruing during the time each shall be in charge will be credited in full in each respective settlement and each officer will be held for whatever of excess of fees may be found due the Government for the time of his service.

The same rule will also be followed in the settlement of the compensation and fees of the agencies connected with unsalaried consulates. But neither the principal consular officer nor the vice-consular officer is to be prevented from receiving compensation to which he may be legally entitled out of any surplus of fees for services performed by the other during the portion of the fiscal year he may have been in charge.

#### ACCOUNTS FOR PAY FOR SERVICES TO AMERICAN VESSELS AND SEAMEN.

**574. Accounts by feed officers.**—Consular officers who are compensated from fees collected and payment for services performed for vessels should, in addition to the record of fees (Form No. 101), render quarterly accounts to the Auditor for the State and other Departments for said services in the

manner shown by Forms Nos. 167, 168, and 169, explained in the following paragraph:

The accounts for services will be adjusted quarterly, except those of consular agents, which will be adjusted at the close of the fiscal year. The amounts which may be found due on accounts for official services will be remitted by Treasury drafts payable to the order of the officers to whom the amounts are due. No payments can in any case be made on account of official services until the accounts have been adjusted at the Treasury Department. Consuls are therefore forbidden to draw drafts on the Treasury for pay for services to vessels and seamen.

**575. Statement of official services for shipmaster (Form No. 167).**—This form must be issued in duplicate, one copy to be furnished to the master of the vessel for whom the services are performed and the other to be transmitted with the accounts to the Auditor for the State and other Departments. This form must contain the items of the services performed and the amount claimed therefor. It must be signed by the consular officer and certified as correct by the shipmaster. The tariff number of the official fee must appear in the column for "No. of fee," opposite each item of service, showing the authority for the charge.—*23 Stat. L., 56, sec. 12.*

*Detailed report of official services to American vessels and seamen.*—This report (Form No. 168) must contain a detailed report of all the official services rendered during the quarter. It must show the dates, names of vessels, names of masters, the ports to which the vessels belong, nature of services, and amounts charged therefor. This form is to be sworn to before an officer authorized to administer oaths.

Under the head of "Remarks" on this form the consular officer should explain opposite the name of each United States steamer for which the fee No. 106 of the tariff of fees is charged

“for receiving and delivering ship’s register and papers,” etc., the nature of the trip of the vessel, whether “running regularly by weekly or monthly trips, or otherwise,” and state “the foreign port where the principal offices of the steamship company or owners are located.” When a charge is made of fees Nos. 28 or 46 of the tariff of fees, the fact of the service being required by the custom-house or port authorities must be stated in the oath of the consular officer to the said form; and it must also be stated in the oath of said form that each vessel for which the fee No. 106 of the tariff of fees is charged therein is a registered vessel of the United States, and where this fee is charged at Canadian ports the consular officer must include in his oath an additional statement that a regular entry and clearance was made at the custom-house in the case of each vessel where such fee is charged.—*R. S., secs. 1720, 1722, 4222.*

*Account current for fees and services.*—An account current (Form No. 169) must be furnished, on the debit side of which should be charged, in separate entries, the amount of compensation received from official fees collected and the amount claimed for official services to American vessels and seamen; and on the credit side should be entered the amount of official fees collected (Form 101) and the balance claimed to be due, closing the account.

**576. Consular agents’ accounts.**—Consular agents will be governed by the foregoing requirements in relation to official services, and will render their quarterly reports in accordance with the prescribed forms to the principal consular officer, who will transmit the same to the Auditor for the State and other Departments.

In order to secure payment to himself of the amounts due to the agents for services rendered by them, the principal consular officer must furnish receipts of the agents, showing

payment by him to them of the amounts due; otherwise the Treasury drafts will be remitted payable to the order of the agents who performed the services.

#### SALARIES OF CONSULAR CLERKS.

**577.** The account for the salary of a consular clerk must be rendered quarterly to the Auditor for the State and other Departments, and in the name of the consular clerk, whether he receives his salary from the fees of the consulate where he is stationed or whether he draws a draft therefor. Drafts for the salary of a consular clerk are to be drawn on the Secretary of the Treasury and in the name of the consular clerk. The account may be rendered on Form No. 165. (Paragraph 517.)

#### DRAFTS.

**578.** No drafts must be drawn except by a duly authorized and qualified consular officer. Drafts and accounts must not be transmitted by a consular agent. Drafts of consular officers must not be made in foreign money, but for the equivalent value thereof in the currency of the United States. In disposing of their drafts consular officers are expected to use their best discretion to negotiate them at the most favorable rates, and must furnish with the account in each case of sale of draft a voucher, as per Form No. 92, whether any loss is sustained or not. It is necessary that they should state on the face of every draft for salary or authorized expenses the account for which it is made; and every draft for expenses authorized by special instructions should refer explicitly to the date and number of the instruction in which such authority was given. The same reference should appear in the corresponding account. (Paragraph 567) To prevent the dishonor of such bills or drafts consular officers should observe the form prescribed with a view to overcome this difficulty. (Form No. 114.)

**579. Indorsements by procuracy.**—Bills of exchange drawn by consular officers are occasionally presented at the Department of State or the Treasury for payment by holders whose rights are derived from indorsements not made by parties to whom such bills have been duly made payable, but by other persons claiming to act for such parties by procuracy, without producing the power of attorney or other authority for the transfer of the property in such bill of exchange out of its lawful owner. The accounting officers, who are required to see that no person receives money from the Treasury but by lawful title, can not recognize such indorsements unless on satisfactory proof of their sufficiency.

**580. To be drawn at fifteen days' sight.**—All drafts drawn by consular officers, whether on the Secretary of State or on the Secretary of the Treasury, are to be drawn at fifteen days' sight, acceptance waived, in order to give sufficient time to the accounting officers to adjust the accounts before the day of payment. Drafts for disbursements made for objects not expressly authorized by law nor by instructions must not be drawn until notice is received from the Department of State that the accounts and vouchers have been examined and approved.

**581. Accounts must accompany drafts.**—Consular officers' drafts will not be paid until the accounts and vouchers for which they are drawn have been received, examined, and approved. In order to secure their payment, and to prevent embarrassment and delay to holders, it is necessary that the accounts should be sent so as either to precede the arrival of, or be received at the same time with, the drafts. (Paragraph 566.)

**582. Drafts to be filled out in handwriting of consular officer.**—Whenever a draft is drawn by a consular officer, the blanks in the engraved forms furnished by the Department of State (Form No. 114) must be filled up by the drawer in his own handwriting; and for still further protection against forgery,

or the payment of fraudulent drafts, the draft should be sealed with the consular seal.

**583. On whom drafts drawn.**—The drafts or bills of exchange drawn by consular officers for balances due to them on the accounts required to be transmitted to the Department of State (paragraph 538) must be drawn upon the Secretary of State, and those drawn for balances due on the accounts directed to be sent to the Auditor for the State and other Departments (paragraph 539) must be drawn on the Secretary of the Treasury.

**584. Loss by exchange—Gain by exchange.**—Accounts of consular officers for loss by exchange must be rendered quarterly to the Auditor for the State and other Departments. The accounts, when thus rendered, should consist of a list of the items, signed by the consul, with vouchers therefor. Vouchers must be furnished in accordance with the following forms:

For drafts drawn by the consul, a certificate signed by himself and the purchaser of his draft, according to Form No. 92, and embodying the following facts:

1. Date of the draft.
2. Amount of the draft in the currency of the United States.
3. Gross amount of the draft in foreign currency.
4. Rate of exchange.
5. Loss on the sale of the draft.
6. Net proceeds in foreign currency.
7. Net proceeds in the currency of the United States.
8. Upon whom and on what account drawn.

For drafts purchased by the consul in remitting surplus moneys, a certificate as per Form No. 93, embracing the following information:

1. Date of the draft remitted.
2. Face of the draft in the currency of the United States.
3. Face of the draft in foreign currency.
4. Rate of exchange.



5. Loss on the purchase of the draft.
6. Total cost of the draft in foreign currency.
7. Total cost of the draft in the currency of the United States.
8. To whom and on what account remittance is made.

By the "rate of exchange" in the above forms is meant the amount of the foreign currency received or paid for each dollar of currency of the United States of the draft, or for each pound sterling if the draft should be in English money, or vice versa.

The proper valuation to be placed on the foreign money received or paid for each draft and to be used in making the reductions to the currency of the United States is fully explained and set forth in the succeeding paragraph. When the net proceeds of a draft for funds on a disbursing account are stated in a voucher in a foreign currency different from that in which the disbursements are actually made by the consular officer, the relative value of the currency in which the payments are made must be given. When there is a gain by exchange, either on drafts sold or purchased by consular officers, the amount should be credited in the account affected thereby. It does not necessarily belong to the exchange account.

**585. Reaction to currency of the United States.**—The value of the English sovereign, or pound sterling, in the currency of the United States at which it shall be paid and received by the Treasury in foreign countries is fixed at \$4.8665. This valuation must therefore be employed in making their reductions from English money to the currency of the United States by consular officers in all countries.—*R. S., sec. 3565.* (Forms 161 and 162.)

The relative values of the standard moneys of the nations of the world, as prepared quarterly by the Director of the Mint and proclaimed by the Secretary of the Treasury in pursuance of section 25 of the tariff of 1894, must be employed

by consular officers to reduce to the currency of the United States the standard money of each foreign nation in transactions within its own jurisdiction involving such standard money.—*28 Stat. L.*, 552. (Paragraph 528.)

When the money which is in use in a foreign country is not the standard money of the country, or if it be a currency depreciated from the standard currency, the reduction to Federal money must be made at the rate of the commercial value of said money at the time and place of the transaction. (See paragraph 541 as to the nature of the evidence required in such cases.)

#### SUMMARY OF RETURNS AND ACCOUNTS.

**586. To the Secretary of State.**—The following returns and accounts are to be transmitted by consular officers to the Department of State:

##### QUARTERLY RETURNS.

Digest of invoice book.....	Form No. 117
Arrivals and departures of American vessels.....	Form No. 120
Record of notarial services.....	Form No. 159
Return of marshal of consular court.....	Form No. 137
Statement of passports issued.....	Form No. 121
Statement of passports visaed.....	Form No. 122

##### SEMIANNUAL RETURNS.

List of persons to whom protection has been given in non-Christian countries (paragraph 173).....	
Report on estates of deceased citizens (paragraph 650) ..	

##### ANNUAL RETURNS.

Names of persons employed at the consulate.....	Form No. 123
Aggregate of fees received.....	Form No. 105
Return of exports.....	Form No. 20

QUARTERLY ACCOUNTS.

Contingent expenses, United States consulates.....	Form No. 90
Accounts of clerks at consulates.....	Form No. 165
Salaries, marshals for consular courts.....	Form No. 165
Salaries, interpreters to consulates in China and Japan..	Form No. 165
Expenses of interpreters and guards in Turkish domin- ions .....	Form No. 165
Expenses of prisons for American convicts.....	Form No. 165
Fees and expenditures of marshals at consular courts...	Form No. 137

**587. To the Auditor.**—The following returns and accounts are to be transmitted by the consular officers to the Auditor for the State and other Departments:

QUARTERLY RETURNS.

Return of seamen who have come upon the consulate otherwise than in the employment of vessels or by reg- ular discharge therefrom .....	Form No. 126
Record of Treasury fees, with oath.....	Form No. 101 or 102
Detailed list of seamen discharged, shipped, deserted, and deceased.....	Form No. 124
Detailed report of official services to American vessels and seamen, with oath.....	Form No. 168
Summary of consular business.....	Form No. 103
Certificate as to absence.....	Form No. 113
Statement of official services of unsalaried officer to American vessels or seamen.....	Form No. 167

QUARTERLY ACCOUNTS.

Relief and protection of American seamen, with vouch- ers .....	Form No. 94
Salaries, consular service, with vouchers.....	Forms Nos. 106, 108, 112, and 116
Pay for services to American vessels and seamen, with vouchers.....	Form No. 169
Salaries, consular clerks.....	Form No. 165
Loss by exchange, consular service, with vouchers.	Forms Nos. 92 and 93

## INDORSEMENT OF ACCOUNTS AND RETURNS.

**588. Indorsement and folding of returns and accounts.**—In rendering returns and accounts which, under the Regulations (paragraph 587), are to be transmitted directly to the Auditor for the State and other Departments, consular officers are instructed that each quarterly return and account should be folded into folds as nearly  $3\frac{1}{2}$  inches wide as possible, and should be indorsed on the upper or first outside fold with consulate, name, and title of officer, the quarter for which the document is rendered, and synopsis of the contents, a space of 1 inch being left blank at the top of the fold, thus:

Form No. 112.

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LONDON, ENGLAND.  
E. A. MERRITT,  
*Consul-General.*

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Quarter ending September 30, 189-.

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Account current for salary and  
fees.

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The same form should be observed in rendering accounts for "contingent expenses," "clerk hire," and other expenses which are transmitted to the Department of State and sent to the Auditor for the State and other Departments.

Dispatches transmitting returns and accounts, or any letter addressed to accounting officers, should also be indorsed on

the first fold with place, date, name, and title of writer, and number of inclosure, thus:

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LONDON, ENGLAND.

October 1, 189-.

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E. A. MERRITT,

*Consul-General.*

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Returns and accounts  
for the quarter ending September 30, 189-.

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Number of inclosures, — .

One letter of transmission with accounts and returns is ordinarily sufficient when they are forwarded together to one address, but any explanation respecting relief of seamen, certified invoices, or matters other than that which relates to the fee and salary account, should form a separate dispatch and be properly indorsed. The titles of inclosures and the form numbers should be given at the foot of the dispatch, and how many of each form are inclosed. Communications on letter paper should be folded in three folds, and those on cap paper in four folds. Note paper should never be used.

The above instructions, it must be distinctly understood, apply only to correspondence and accounts and returns to be transmitted to the Treasury Department. Dispatches covering accounts and returns for the Department of State must be prepared in accordance with instructions contained in paragraphs 117 and 120.

## ARTICLE XXVIII.

## CONSULAR REPORTS.

**589. Subjects of consular reports.**—Consular officers are expected to prepare, from time to time, reports upon the industrial and commercial interests of their districts for publication in the monthly and special Consular Reports and the annual volume, Commercial Relations. Among the subjects which should especially engage their attention are:

1. Condition of foreign commerce and internal trade, manufactures, mechanical industries, agriculture, etc., especially—

(a) Statistics of exports and imports; of shipping, and of revenue and expenditure of the country; amount of public debts, national and local; rates of taxation, character of taxable basis, how taxation is levied and collected, amount of taxation per capita, etc.; character of government currency and the standard of value; actual value in exchange, and also as measured by the dollar of the United States; changes in purchasing power of the currency; banking—new systems, especially of savings banks and of banks or associations for lending money to agriculturists, mechanics, and factory operatives; public loans and other matters of finance affecting the industry or commerce of the country; commercial credits—rates and periods usually granted to foreign purchasers, and those expected from foreign shippers; trade usages and peculiarities; special demands of consumers as to kind and quality of goods or supplies already in use or capable of being introduced among them, with suggestions as to the best and most economical styles of packing to conform to local requirements of sale and transportation.

(b) Improvement of old and development of new industries, including inventions or discoveries, and the results obtained from the practical application of them.

(c) Introduction of inventions made in the United States

or imitations of them; application of business or mechanical methods employed in the United States.

(d) Importation and use of food supplies, raw materials, and manufactures from the United States, or the possibility of introducing them, and local or race requirements to make them acceptable to foreign consumers.

2. Facilities for direct and indirect communication with the United States—establishment of new ocean or international railroad lines or agencies; development of internal transportation lines—railroads, highways, and steamboat or other carriage on rivers and canals, or betterment of them; opening up of new trade routes or abandonment of old ones; changes in transportation rates, both freight and passenger, which are of general interest to commerce; bounties or subsidies to railroads and shipping.

3. Development or decline of commercial and manufacturing centers; causes of drift of agricultural population to towns and cities; diversion of trade from one local market or district to another; projects for great manufacturing or other industrial enterprises, for harbor or river improvement, for better methods of lighting, street paving, water supply, sewerage and disposal of sewage; economy of municipal taxation and expenditure; hygienic and quarantine measures; police systems, urban and rural.

4. Changes in economic condition of producing communities, urban and rural; fluctuations in rates of wages, cost of living, prices of products, raw and manufactured, especially of food supplies, wearing apparel, agricultural and domestic implements, machinery, etc.; scarcity or glut of articles of consumption of all kinds, particularly those produced in the United States; changes in hours of labor or other conditions affecting workingmen; trades unions; strikes and lockouts; systems of cooperation and profit sharing; government measures (national, municipal, or local) or private (organized)

projects for insurance or care of infirm or superannuated laborers, for improved sanitation of factories and dwellings, for regulating the labor of women and children, and for combating usury in the lending of money; technical and commercial education; museums, exhibitions, merchants' unions, and similar organizations for promoting trade, and the functions assumed by the state in connection therewith.

5. All changes in tariff legislation, including new rates of export, import, or transit duties, special care being taken to state whether they discriminate in favor of or against the United States as compared with other countries. When a wholly new tariff law is enacted, it should be given in full, with an explanatory statement of increase or decrease in duties as compared with the tariff previously existing. Prompt notice of contemplated changes in tariff legislation should be sent to the Department. By tariff legislation are meant not only measures affecting export and import duties, but also those relating to customs administration, transit duties, octroi or municipal taxes upon supplies entering cities and towns, taxes imposed upon the export or import of articles from one political district of a country (such as a state, province, canton, arrondissement, etc.) to another, tonnage taxes and port dues, or other taxes upon shipping, etc.

6. Legislation or proposed legislation of interest to farmers, merchants, manufacturers, inventors, etc., such as changes in patent, trade-mark, and copyright laws; laws to prevent adulteration of food, or to prohibit importation or sale of adulterated or impure food; laws prohibitory of importation of diseased animals, impure seeds, etc.; measures discriminating for or against any particular class of products or against imports from any country; bounties granted to special lines of manufacture or agricultural production; changes in legislation concerning agricultural, commercial, or industrial



concessions, such as government land grants, railroad bonuses, special privileges, and exemptions for colonists; encouragement to or restriction of immigration; rights of citizenship; taxation or exemption of manufacturing plants, machinery, and implements; licenses to trade; taxation of commercial travelers; legislation as to bankruptcy and collection of debts, etc. Also decisions of courts or of government officers on important commercial questions; government regulations relating to law charges; changes in commercial procedure.

7. Undertakings and enterprises of moment—the construction of public works, the opening of mines, the granting of concessions for working minerals or forests, or for other similar purposes.

**590. Form and object.**—These reports are intended to be a faithful reflex of actual conditions. For that reason consular officers should not yield to any temptation to construe facts or figures in advocacy of their individual theories or opinions. Data should be obtained, as far as possible, from official sources, and the origin should in all cases be clearly stated. When quotations are given, they should be carefully designated as such with the proper quotation marks, in order that they may not be confused with the individual statements or conclusions of the consular officers. The main objects in view in the preparation of the reports should be the supplying of accurate information for the benefit of the producers, manufacturers, and shippers of the United States in the general expansion of our commerce, and especially in the opening of new markets in foreign lands to American industry, enterprise, and inventive skill.

Abbreviations, frequently causing doubt as to the word or phrase intended to be expressed and unnecessary labor in editing reports, should be avoided. Special care should also

be taken in writing personal and geographical names and local words or phrases, so as to make them clearly legible, as there is often no means of interpreting them. Attention is also called to the fact that consular officers occasionally omit to date or sign their reports, making it difficult for the Department of State to identify them.

**591. Reports to be communicated solely to the Department.—** While it is desired and expected that consular officers should reply to all proper inquiries respecting the means of promoting the trade of the United States, it should be understood that the statute contemplates that the publications of the Department of State should be the chief means of communicating consular reports and commercial information to the public. Consular officers are accordingly prohibited from furnishing copies of their reports, or reports or articles upon the trade or commerce of their districts, for any other publication or to private persons. Such reports will be communicated only to the Department of State, and the fact that they have been prepared should not be disclosed until after they shall have been submitted to and acted upon by the Department. The reason for these restrictions is to be found in the fact that the Department alone must be the judge of the propriety of disclosing any information obtained by consular officers either to individuals or to the general public. In cases where persons have been notified beforehand that certain information has been forwarded to the Department by a consular officer, embarrassment has frequently resulted from a decision by the Department adverse to communicating the particular data or conclusions or from inability to furnish copies of a report in advance of its publication in the regular way. Reports of special importance and of current interest are furnished by the Department with the utmost promptness to the newspaper press and to individuals who have asked for the information contained in them.

**592. Classes of reports for publication.**—Consular reports for publication by the Department of State are of three kinds:

1. *Monthly reports.*—Those suitable for publication in the monthly periodical, Consular Reports. These should be restricted, as nearly as possible, to matters of current interest of a commercial or industrial character, in order that each number of the periodical may cover as wide a field as possible in the contemporaneous movements of trade, finance, industrial development, and invention. Reports outside the range of these subjects and of general interest and importance will be transmitted to other Departments and Bureaus of the Government for publication by them, in order to relieve the monthly reports (which are primarily commercial in their character and scope) as far as possible from the printing of extraneous matter.

2. *Special reports.*—Series of reports on special subjects under instructions from the Department. These are issued in separate numbers, entitled Special Consular Reports, though in some cases, when the series is not of too great length, they are printed in the monthly reports in order to prevent delay. Suggestions from consular officers for subjects for such reports, as the result of their personal experience and observation in their districts, will be welcomed by the Department and promptly acted upon. Consular officers, however, are cautioned against proceeding with the preparation of elaborate reports, either of their own initiative or at the request of officials of the Government, or of private individuals, without notice to the Department, as by so doing they are liable to duplicate matter already obtained or arranged for, or to expend time and labor upon subjects which would not properly come within the range of the Department or other official publications.

3. *Commercial relations.*—Annual reports on the industries, trade, finance, shipping, etc., of a country or consular district. These are printed in the annual volume, Commercial

Relations. The attention of consular officers is called to the introductory "Review of the world's commerce," which accompanies Commercial Relations for 1894 and 1895, as indicating the scope and character which it is intended these annual reports should take, the main object being to present a comprehensive summary of the actual status of the country or consular district, commercially and industrially, at the time of preparation of the report, and especially the progress or retrogression during the year. Hitherto there has been no fixed date for issuing Commercial Relations. Hereafter it will be compiled for publication by the 1st of December of every year in order that it may be transmitted to Congress upon the assembling of that body. To enable the Department to properly edit and prepare the matter for the printer, consular officers are required to transmit their annual reports to the Department not later than August 1. If official statistics for the calendar or fiscal year be not available in time, they will obtain all information possible (stating its sources) as to the commercial and industrial history of the country or consular district for the period under review, with the object of setting forth its existing trade wants, its advances in industry and commerce, and any changes in its commercial relations with particular countries or the world at large. Consular officers should aim to make the trade picture of each country as complete and as accurate as possible, so that the producers, manufacturers, and shippers of the United States may be fully informed as to existing conditions—the hindrances as well as the probable openings to the extension of their sales and the volume of business in different lines of trade.

**593. Annual returns.**—At the end of each year (calendar or fiscal) returns upon forms supplied by the Department of State must be prepared and forwarded promptly. (Paragraph 586.)

**594. Foreign weights, measures, and currencies.**—In all reports foreign weights, measures, and currencies must be accompanied by their equivalents in those of the United States.—*29 Stat. L., 38.* All tabular statements should be accurately footed up. Consular officers are requested to pay special attention to this feature of their work in the preparation of reports for publication, as by doing so they will obviate delay, unnecessary labor, and possible misinterpretation in the compilation of matter for the printer.

**595. Expenses must be authorized.**—Any expense to be incurred in the preparation of reports must be first submitted to the Department of State, the amount estimated at least approximately, and the purpose for which the sum is to be expended stated. While the Department will construe liberally such applications, and will assist in every way the efforts of consular officers to obtain early and accurate information on matters of interest, no charges of this nature will be audited unless they have been expressly authorized.

**596. Samples of seeds, plants, manufactures, etc.**—Consular officers are requested to send to the Department of State any samples of seeds or plants which might be propagated to advantage in the United States, or of manufactures, mechanical appliances, etc., which are of practical value to our industries as suggesting new lines or processes of production or the particular kinds of goods for which there is a profitable demand in their districts, provided that such samples can be obtained without cost to the Department. The samples thus sent will be transmitted to the proper Department or Bureau, or filed for public inspection in the Department of State.

**597. Brevity desirable.**—In the preparation of reports for publication consular officers should bear in mind that the appropriation for this purpose is limited, and that consequently only a certain quantity of matter can be printed in any given year. In order, therefore, to prevent an undue

accumulation, and to enable the Department of State to print the reports within a reasonable time, they should be confined as closely as possible to succinct statements of facts, with careful avoidance of superfluous or irrelevant matter. If consular officers are careful to observe this rule, they will materially aid the Department in its work of compilation and publication, and will greatly facilitate the prompt printing of their reports.

**598. Political or personal reflections to be avoided.**—The provisions of paragraphs 435 and 436 of these Regulations, as to avoiding all unnecessary reflections upon the character or conduct of individuals or governments, are particularly applicable to reports intended for publication.

**599. Discrimination by foreign countries against products of the United States.**—The act of August 30, 1890, provides that when the President shall be satisfied that unjust discriminations are made by or under the authority of any foreign state against the importation to or sale in such foreign state of any product of the United States, he may direct that such products of such foreign state so discriminating against any product of the United States as he may deem proper shall be excluded from importation to the United States; and in such case he shall make proclamation of his direction in the premises, and therein name the time when such direction against importation shall take effect, and after such date the importation of the articles named in such proclamation shall be unlawful. The President may at any time revoke, modify, terminate, or renew any such direction as, in his opinion, the public interest may require. —*26 Stat., 415, sec. 5.*

Consular officers are instructed to report to the Secretary of State all instances occurring in their respective districts of discrimination against the importation or sale therein of products of the United States, furnishing, when practicable, the

text and a translation of the law or regulation by means of which the discrimination is effected.

REPORTS FOR THE USE OF THE TREASURY DEPARTMENT.

**600. Prices current.**—Every consular officer shall furnish to the Secretary of the Treasury, as often as shall be required, the prices current of all articles of merchandise usually exported to the United States from the port or place in which he is situated.—*R. S., sec. 1713; 25 Stat. L., 186.* (Paragraph 697.)

**601. Rates of exchange.**—Consular officers will report monthly to the Treasury Department the rates of exchange prevailing between the ports or places at which they reside and the following places: London, Paris, Amsterdam, and Hamburg; also New York and other principal ports in the United States; and they will keep the Department of State regularly and fully advised of the course and progress of trade from the several ports of their consulates to the United States.

REPORTS FOR THE USE OF THE DEPARTMENT OF AGRICULTURE.

**602. Consuls and commercial agents of the United States in foreign countries** shall procure and transmit to the Department of State, for the use of the Department of Agriculture, monthly reports relative to the character, condition, and prospective yields of the agricultural and horticultural industries and other fruiteries of the country in which they are respectively stationed; and the Secretary of Agriculture is required and directed to embody the information thus obtained, or so much thereof as he may deem material and important, in his monthly bulletin of crop reports.—*R. S., sec. 1712; 25 Stat. L., 186.*

**603.** Every consular officer shall also furnish to the Secretary of the Treasury, at least once in twelve months, the

prices current of all articles of merchandise, including those of the farm, the garden, and the orchard, that are imported through the port or place in which he is stationed. And he shall also report as to the character of agricultural implements in use, and whether they are imported to or manufactured in that country, and as to the character and extent of agricultural and horticultural pursuits there. That part of the information thus obtained which pertains to agriculture shall be transmitted by the Secretary of the Treasury, as soon as the same shall have been received by him, to the Secretary of Agriculture, who shall include the same, or so much thereof as he may deem material and important, in his annual reports, stating the said prices in dollars and cents and rendering tables of foreign weights and measures into their American equivalents.—*R. S. sec. 1713; 25 Stat. L., 186.*

#### ARTICLE XXIX.

##### RECORD BOOKS AND ARCHIVES.

**604. Record books at inland consulates.**—The following record books are to be kept at all inland consulates and commercial agencies:

1. A dispatch book, in which are to be copied all official communications written by the consular officer to the Department of State. Press-copy books are not to be considered as permanent records.

2. A letter book, in which are to be copied all other official communications written by the consular officer.

3. A fee book, in which the consular officer shall register all fees received by him in the order in which they shall be received, specifying in such register or fee book each item of service, the amount received therefor, from whom, and the date when received; and indicating what items and amounts



are embraced in each receipt given by him therefor; and numbering the same according to the number of the receipts, respectively, so that the receipts and register shall correspond with each other. The consular officer will specify the name of the person for whom, and the date when, he shall verify any passport, certify any invoice, or perform any other official service, in the entry of the receipt of the fees therefor in such register; and also number each consular act so receipted for with the number of such receipt as shown by such register. The fee book is to be ruled and kept in accordance with Form No. 101 or 102.

4. A passport book, in which are to be registered all passports issued or visaed by the consular officer. (Form No. 132.)

5. An invoice book, to be ruled and kept in accordance with Form No. 133, and with the instructions prescribed in the article on verification of invoices.

6. A miscellaneous record book, for the entry of those official papers and records which can not conveniently be classified and entered in the record books above named.

7. A register of official letters received at the consulate, which shall embrace the following information: Name of the writer, number and date of letter, when received, its import, and remarks thereon, as prescribed in Form No. 118.

8. A register of official letters sent from the consulate, stating the date and import of the letter and the name of the person to whom sent, as prescribed in Form No. 119.

9. A register of landing or debenture certificates, stating the name of the consignee, the date of the certificate, the merchandise, the name of the vessel, the port of shipment, and the date of shipment. (Form No. 134.) A similar form will answer for tobacco or snuff.

**605. Additional record books at seaports.**—At seaport consulates

and commercial agencies the foregoing will be kept and also the following additional books:

1. A record book of commercial returns, to be kept in accordance with Form No. 120, in which must be stated, in respect of vessels, the number, date of arrival, class, name, and tonnage of all American vessels, where belonging, from whence, whither bound, and date of clearance; and in respect of cargoes, both inward and outward, under distinct heads, as nearly as possible, the description, quantity, and value of the same.

2. A register in detail of the official services performed for American vessels and seamen, to be kept in accordance with Form No. 168.

3. A seamen's register, in which shall be recorded a detailed list of all seamen shipped, discharged, or deceased at the consulate or commercial agency, and the payments made on account of each, according to Form No. 124.

4. A relief book, showing the number and names of all seamen relieved, from what vessel discharged, date and cause of discharge, and date of leaving the consulate; embracing also the several amounts disbursed on their account, as particularly described in Form No. 94.

5. A quarterly account-current book, in which shall be recorded the account current furnished quarterly to the Auditor for the State and other Departments, according to Form No. 116.

6. A protest book, for the entry of notes of marine protests, in accordance with Form No. 37.

7. A book for the entry of extended protests, in accordance with Form No. 38.

8. A daily journal is to be kept, as prescribed in Form No. 135.

**606. Books for consular agencies.**—The following books will be provided by the Department of State, on the requisition of the

principal officer, for consular agencies, viz: For inland agencies, a miscellaneous record book, fee book, invoice book; and at seaport agencies, in addition, a protest book, extended protest book, record book of commercial returns, ship's daily journal, and relief book.

**607. Index.**—When a paper of any description shall be entered or recorded in either of the said books, the same shall be indexed by a reference both to the name of the author and the subject of the paper.

**608. Papers to be labeled.**—The answers received to official letters, and all other papers transmitted to the consulate, intended to be permanently kept there, shall be put in a proper place and labeled according to their subject-matter. When a sufficient number has accumulated to form a volume, they shall be bound and indexed in the same manner as is directed with respect to other records.

**609. Official and private books to be kept distinct.**—The consular books are to be kept distinct from those of the consul's private affairs; and if the consul is at liberty to transact business, his consular business should, if possible, be transacted in a separate apartment from that in which his ordinary commercial or other affairs are carried on, designated by the arms of the United States exhibited at its entrance, wherever such an exhibition of the arms is not prohibited by the local regulations.

**610. Care of archives.**—All consular officers are instructed to take care that the archives are kept in proper order; and with this view, as well as to facilitate reference to previous correspondence, they will keep in their offices registers of all the documents, papers, letters, and books which have been, or which may be, at any time received, and also of those forwarded by them on matters connected with their official duties.

**611. What to be regarded as official documents.**—The originals

of all dispatches and letters addressed to a consular officer, and copies of all that are written by him in his official capacity, including all official reports and returns, all books presented to the consulate or sent to it by the Department of State, also all the record books, as described in this article, are to be considered as official documents, and are to be deposited among the consular archives, after being duly registered, and are to be transferred with the effects of the consulate, together with the seal, press, arms, flag, and all other property belonging to the United States, to his successor in office.

#### ARTICLE XXX.

##### JUDICIAL POWERS IN NON-CHRISTIAN COUNTRIES.

**612. China, Japan, Siam, and Madagascar.**—Ministers and consuls of the United States, duly appointed to reside in China, Japan,<sup>1</sup> Siam, and Madagascar—in addition to other powers and duties imposed upon them, respectively, by the provisions of the treaties with those countries—are invested with the judicial authority described in Title XLVII of the Revised Statutes, which shall appertain to the office of minister and consul and be a part of the duties belonging thereto, wherein and so far as the same is allowed by treaty.—*R. S., sec. 4088.*

**613. Turkey.**—The provisions of Title XLVII of the Revised Statutes, so far as the same relate to crimes and offenses committed by citizens of the United States, are extended to Turkey, under the treaty with the Sublime Porte of May 7, 1830, and also for the exercise of jurisdiction in civil cases wherein the same is permitted by the laws of Turkey or its usages in its intercourse with the Franks or other foreign Christian nations.—*R. S., sec. 4125.*

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<sup>1</sup>By the treaty with Japan concluded November 22, 1894, the jurisdiction of consular courts of the United States in Japan is to cease and determine July 17, 1899.

**614. Persia.**—The provisions of Title XLVII of the Revised Statutes extend also to Persia in respect to all suits and disputes which may arise between citizens of the United States therein. All suits and disputes arising in Persia between Persian subjects and citizens of the United States are to be carried before the Persian tribunal to which such matters are usually referred, at the place where a consular officer of the United States may reside, and shall be discussed and decided according to equity in the presence of an employee of the consular officer; and it is the duty of the consular officer to see that justice is administered. All suits and disputes in Persia between citizens of the United States and the subjects of other foreign powers are to be tried and adjudicated by the intermediation of their respective ministers or consuls, in accordance with such regulations as shall be mutually agreed upon between the respective ministers. These regulations from time to time are to be submitted to the Secretary of State.

**615. Barbary States, Maskat, and Samoa.**—The provisions of Title XLVII of the Revised Statutes extend also to Tripoli, Tunis, Morocco, Maskat, and the islands of Samoa, so far as the same can be exercised under the provisions of treaties with those countries and in accordance with the usages of the countries in their intercourse with the Franks or other Christian nations.—*R. S., sec. 4127.*

**616. Extension of jurisdiction to other countries.**—The provisions of Title XLVII of the Revised Statutes with respect to the jurisdiction of consular officers in civil and criminal cases is also extended to any country with which the United States have or may hereafter have treaty relations. The act of Congress of June 14, 1878, provides that whenever the United States shall negotiate a treaty with any foreign government, in which the consul-general or consul of the United States shall be clothed with judicial authority, and securing the right of trial to citizens of the United States residing therein

before such consul-general or consul, and containing provisions similar to or like those contained in the treaties with Tripoli, Tunis, Morocco, Maskat, and the islands of Samoa, the provisions of Title XLVII, so far as they may be applicable, shall have full force in reference to said treaty and shall extend to the country of the government negotiating the same.—*R. S.*, secs. 4127, 4129; *20 Stat. L.*, 131.

**617. Uncivilized countries.**—The consuls and commercial agents of the United States at islands or in countries not inhabited by any civilized people or recognized by any treaty with the United States are also invested by statute with the power to hear and determine all cases in regard to civil rights, whether of persons or property, where the real debt or damages do not exceed \$1,000, exclusive of costs, and upon full hearing of the allegations and evidence of both parties, to give judgment according to the laws of the United States, and according to the equity and right of the matter, in the same manner as justices of the peace are now authorized and empowered where the United States have exclusive jurisdiction.—*R. S.*, sec. 4088.

They may also issue warrants to arrest offenders; arraign, try, and convict them; and punish them to the extent of \$100 fine or imprisonment not to exceed sixty days. And generally they are invested with the powers conferred by the Revised Statutes (sections 4086 and 4087) for the trial of offenses or misdemeanors.—*R. S.*, sec. 4088.

**618. Constitutionality.**—The Supreme Court of the United States has held that the National Government has power to make treaties providing for the exercise of judicial authority in other countries by its officers appointed to reside therein, and that the provisions of Title XLVII of the Revised Statutes for the trial of felonies without indictment by a grand jury and trial by a petit jury are constitutional.—*140 U. S.*, 453.

**619. Mixed courts in Tunis, Morocco, and Tripoli.**—In Tunis,

Morocco, and Tripoli, citizens of the United States committing murder or homicide upon a subject of those powers are to be tried by a mixed court, at which the consul is to "assist."

**620. Usages in Turkey.**—The undisputed portion of the fourth article of the treaty of 1830 with the Ottoman Porte provides for the supervision of the American dragoman in the hearing of all litigations and disputes arising between the subjects of the Sublime Porte and citizens of the United States. It is not in dispute that the usages observed toward other Franks are to be observed toward citizens of the United States. These usages are believed to be the following:

1. Turkish tribunals for questions between subjects of the Porte and foreign Christians.

2. Consular courts for the business of each nation of foreign Christians.

3. Trial of questions between foreign Christians of different nations in the consular court of the defendant's nation.

4. Mixed tribunals of Turkish magistrates and foreign Christians, at length substituted in part for cases between Turks and foreign Christians.

5. Finally, for causes between foreign Christians, the substitution at length of mixed tribunals in place of the separate courts—this arrangement introduced at first by the legations of Austria, Great Britain, France, and Russia, and then tacitly acceded to by the legations of other foreign Christians.

**621. Most favorable usage to be claimed in Turkey.**—Whatever favorable usage may be observed toward subjects or citizens of Great Britain, France, Austria, Italy, Russia, Germany, or of any other great power, must be claimed and insisted upon in favor of citizens of the United States; for by the first article of the treaty of February 25, 1862, between the United States and the Ottoman Empire, it is agreed that all rights, privileges, and immunities granted to the subjects of any

other foreign power shall be equally granted to and enjoyed by the citizens of the United States.

**622. Treaty of 1858 with China.**—The revised treaty with China of 1858 (article 11) provides that if controversies arise between citizens of the United States and subjects of China which can not be amicably settled otherwise, the same shall be examined and decided conformably to justice and equity by the public officers of the two nations, acting in conjunction.

**623. Criminal jurisdiction.**—Consuls in the countries hereinbefore mentioned are empowered to arraign and try at the posts for which they are appointed, and in the manner provided in Title XLVII of the Revised Statutes, all citizens of the United States charged with offenses against law, committed in such countries respectively, and to sentence such offenders in the manner therein authorized, and to issue all such processes as are suitable and necessary to carry this authority into execution.—*R. S., secs. 4084, 4087.*

**624. Civil jurisdiction.**—Consuls are invested with all the judicial authority necessary to execute the provisions of such treaties, respectively, in regard to civil rights, whether of property or person; and such jurisdiction embraces all controversies between citizens of the United States, or others, provided for by such treaties. They shall entertain jurisdiction in matters of contract at the port where, or nearest to which, the contract was made, or at the port at which, or nearest to which, it was to be executed, and in all other matters at the port where, or nearest to which, the cause of controversy arose, or at the port where, or nearest to which, the damage complained of was sustained, provided such port be one of the ports at which the United States are represented by consuls.—*R. S., sec. 4085.*

**625. Mode of proceeding.**—The mode of proceeding and the laws by which consular officers are to be governed are prescribed or provided for by the statutes. They should consult



the text of the statutes. (For forms of proceedings see paragraph 640.)

**626. Jurisdiction, how exercised.**—Jurisdiction in both criminal and civil matters shall be exercised in conformity, first, with the laws of the United States; second, with the common law and the law of equity and admiralty; and third, with decrees and regulations, having the force of law, made by the ministers of the United States in each country, respectively, to supply defects and deficiencies when neither the common law, nor the law of equity or admiralty, nor the statutes of the United States furnish appropriate and sufficient remedies.—*R. S., sec. 4086.*

**627. Power of ministers to make regulations.**—The authority of a minister to make regulations having the force of law within the country to which he is accredited is a judicial authority. The minister is required to execute the power in conformity with the laws of the United States, with authority to supply defects and deficiencies in two cases only: (1) Where those laws are not adapted to the exercise of the judicial authority conferred by the statute; (2) where they are deficient in the provisions to furnish suitable remedies.—*R. S., sec. 4086.* In each of these contingencies the minister has authority to make regulations in order “to furnish suitable and appropriate remedies,” and for no other purpose whatever. Every power named in the statute in this respect is conferred upon the minister “in order to organize and carry into effect a system of jurisprudence.” The statute confers upon him no authority to make a regulation requiring citizens of the United States to register their names and no power to enforce such a regulation judicially.

**628. Warrant of arrest.**—A consul at the port for which he is appointed is authorized, upon facts within his own knowledge, or which he has good reason to believe true, or upon complaint made or information filed in writing and authenticated in such way as shall be prescribed by the minister, to

issue his warrant for the arrest of any citizen of the United States charged with committing in the country an offense against law.—*R. S., sec. 4087.*

**629. American seamen.**—The judicial authority of the consuls of the United States over American citizens extends over all persons duly shipped and enrolled upon the articles of any merchant vessel of the United States, whatever be the nationality of such person. And all offenses which would be justiciable by the consular courts of the United States, where the persons so offending are native born or naturalized citizens of the United States employed in the merchant service thereof, are equally justiciable by the same consular courts in the case of seamen of foreign nationality. And so likewise as to seamen serving on board public vessels of the United States who have committed offenses on shore.—*140 U. S., 453.*

**630. Seamen of Navy convicted of felony.**—A seaman of the Navy who is convicted in a consular court of a felonious offense (as distinguished from cases of overstaying leave, disorderly conduct, drunkenness, and other comparatively minor offenses of which, under the Navy regulation of November 2, 1875, the naval and consular authorities have concurrent jurisdiction) ceases from the date of such conviction to be in the naval service of the United States, and should be dealt with thenceforth as a private individual. Therefore, consular officers should promptly notify the commanding officer of the vessel on which the man served, or the commander in charge of the squadron, when any such conviction occurs, and he in turn will communicate to the consular officer the action subsequently taken by him under orders of the Navy Department.

**631. Original jurisdiction.**—The power of commencing original civil and criminal proceedings is vested in consuls exclusively, except that capital cases for murder or insurrection against the government of the country in which they reside

by citizens of the United States, or offenses against the public peace amounting to felony under the laws of the United States, should be tried before the minister of the United States in the country where the offense is committed, if allowed jurisdiction; and except, also, that original jurisdiction is vested in said ministers respectively in cases where a consular officer shall happen to be interested either as party or as witness.—*R. S., secs. 4090, 4109.*

**632. Contempt.**—Consuls may impose fines to the extent of \$50, or imprisonment not exceeding twenty-four hours, for contempt committed in the presence of the court, or for failure to obey a summons.—*R. S., sec. 4104.*

**633. Associates in criminal cases.**—Whenever, in any case, the consul is of opinion that, by reason of the legal questions which may arise therein, assistance will be useful to him, or whenever he is of opinion that severer punishment than \$500 fine or ninety days' imprisonment will be required, he shall summon to sit with him on the trial one or more citizens of the United States, not exceeding four, who shall be taken by lot from a list previously submitted to and approved by the minister and who shall be persons of good repute and competent for duty. Every such associate shall enter upon the record his judgment and opinion, and shall sign the same; but the consul shall give judgment in the case.—*R. S., sec. 4106.*

**634. Capital cases.**—In trials for capital offenses there must be not less than four associates, who must all concur in opinion with the consul; and their opinion must be approved by the minister before there can be a conviction. But a person put upon trial for a capital offense may be convicted of a lesser offense of similar character.—*R. S., secs. 4102, 4106.*

**635. Associates in civil cases.**—Whenever a consul is of opinion that any case involves legal perplexities, and that assistance will be useful to him, or whenever the damages demanded exceed \$500, he shall summon to sit with him on the

hearing of the case not less than two nor more than three citizens of the United States, who shall be taken from a list previously submitted to and approved by the minister and who shall be of good repute and competent for duty. Every such associate shall note upon the record his opinion, and also, in case he dissents from the consul, such reasons therefor as he thinks proper to assign; but the consul shall give judgment in the case.—*R. S.*, sec. 4107.

**636. Punishments**—In the infliction of punishments on persons convicted in consular courts consular officers will be governed by the provisions of the statutes of the United States prescribed for similar offenses, and will be careful that the sentence in each case is in conformity thereto. Consular courts have no power to banish American convicts to the United States or other countries, nor to send them to the United States to serve out their terms of imprisonment.—*1 Whart. Int. L. Dig.*, p. 805; *14 Op. Att. Gen.*, 522; *19 id.*, 377.

**637. Settlement of civil cases.**—It shall be the duty of the ministers and the consuls in countries in which they are invested with judicial authority to encourage the settlement of controversies of a civil character by mutual agreement or by submitting them to the decision of referees agreed upon by the parties; and the minister in each country shall prepare a form of submission for such cases, to be signed by the parties and acknowledged before the consul. When parties have so agreed to refer, the referees may, after suitable notice of the time and place of meeting for the trial, proceed to hear the case, and a majority of them shall have power to decide the matter. If either party refuses or neglects to appear, the referees may proceed *ex parte*. After hearing any case such referees may deliver their award, sealed, to the consul, who, in court, shall open the same; and if he accepts it, he shall indorse the fact, and judgment shall be rendered thereon and execution issue in compliance with the terms thereof. The

parties, however, may always settle the same before return thereof is made to the consul.—*R. S., sec. 4098.*

**638. Settlement of minor offenses.**—In all criminal cases which are not of a heinous character it is made lawful for the parties aggrieved or concerned therein, with the assent of the minister in the country or of the consul, to adjust and settle the same among themselves upon pecuniary or other considerations.—*R. S., sec. 4099.*

**639. Nomination of associates.**—It is the duty of a consular officer after arrival at his post to make himself acquainted with the leading resident citizens of the United States, in order that he may nominate for the approval of the minister a list of individuals for the purposes of the statute.—*R. S., sec. 4106.* The list should be full, so as to embrace, if possible, every interest in the community. It should be composed exclusively of citizens of the United States of good repute residing at the place. It should be sent to the minister for approval. From time to time it should be revised. No person should be permitted to act as an associate on a trial who has any interest, direct or contingent, in the result of the suit.

**640. Forms of proceedings.**—It is provided that the ministers, with the advice of the several consuls, shall prescribe the forms of all processes to be issued from the consular courts and the mode of executing and time of returning the same; the manner in which the trial shall be conducted and how the records thereof shall be kept; the form of oaths for Christian witnesses and the mode of examining all other witnesses; the costs to be allowed to the prevailing party and the fees to be paid for judicial services;<sup>1</sup> the manner in which all officers and agents to execute process shall be appointed and paid; and the form of bail bonds and the security which shall be required from the party who appeals

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<sup>1</sup> These fees are official and must be adjusted at the Treasury Department. (See paragraph 521.)

from the decision of a consul. And he shall make all further decrees and regulations from time to time that may be necessary. It is the minister's duty, also, to establish a tariff of fees for judicial services to be paid by such parties and to such persons as he shall direct.—*R. S., secs. 4117-4120.*

**641. Usages.**—The forms and practice in each consular court have now become settled by usage. Each consul will conform to them. If defects in any part of the existing system be discovered, consuls should call the attention of the diplomatic representative of the United States to them. The power of directing a change is vested by law in that officer.—*R. S., secs. 4117-4120.*

**642. Evidence.**—In all cases, criminal and civil, the evidence shall be taken down in writing in open court, under such regulations as may be made for that purpose; and all objections to the competency or character of testimony shall be noted, with the ruling in all such cases. The evidence so taken down shall be a part of the case.—*R. S., sec. 4097.*

**643. Appeals to minister.**—The minister is authorized to hear and decide all cases, criminal and civil, which may come before him on appeal, and to issue all processes necessary to execute the power conferred upon him; and he is fully empowered to decide finally any case upon the evidence which comes up with it, or to hear the parties further, if he thinks justice will be promoted thereby. He may also prescribe the rules upon which new trials may be granted, either by the consul or by himself, if asked for upon sufficient grounds.—*R. S., sec. 4091.*

**644. Appeals to minister, when allowed.**—An appeal is allowed from the consul to the minister in the following cases:

In civil cases—

(a) When the consul sits with associates and any of them differ from him. If no appeal is lawfully claimed, the decision shall be final.—*R. S., sec. 4107.*

(b) In China and Japan, whenever the matter in dispute, exclusive of costs, exceeds \$500 and does not exceed \$2,500.—*R. S., sec. 4092.*

In criminal cases—

(a) When the consul sits with associates and any of them differ from him. The case shall be referred to the minister for his adjudication.—*R. S., sec. 4106.*

(b) When the consul sits alone and the fine exceeds \$100 or the term of imprisonment for the misdemeanor exceeds sixty days. The appeal may be either upon errors of law or matters of fact.—*R. S., sec. 4089.*

**645. Appeal to United States circuit court.**—An appeal is allowed from consuls in China and Japan directly to the United States circuit court for the district of California whenever the matter in dispute, exclusive of costs, exceeds \$2,500.—*R. S., sec. 4093.*

**646. Judgments of consuls final.**—The judgments of consuls are final in the following cases:

In civil cases—

(a) When the consul sits alone and the damages demanded do not exceed \$500.—*R. S., sec. 4107.*

(b) When the consul sits with associates and they concur with him; except that in China and Japan, if the matter in dispute exceeds \$500, exclusive of costs, an appeal is allowed.—*R. S., secs. 4092, 4107.*

In criminal cases—

(a) When the consul sits alone and the fine does not exceed \$100 or the term of imprisonment for the misdemeanor does not exceed sixty days.—*R. S., sec. 4105.*

(b) When the consul sits with associates and they concur with him, except in capital cases.—*R. S., sec. 4106.*

**647. Appeal from minister.**—In China and Japan an appeal is allowed from the minister to the United States circuit court

for the district of California (1) on any final judgment given in the exercise of original jurisdiction, when the matter in dispute, exclusive of costs, exceeds \$2,500; and (2) on any final judgment given in the exercise of original or appellate criminal jurisdiction, if the person charged with the crime or offense considers the judgment erroneous in point of law. But such an appeal does not operate as a stay of proceedings, unless the minister certifies that there is probable cause to grant the same.—*R. S.*, secs. 4094, 4095.

**648. Appeal record.**—The record on appeal from a consular court should include the pleadings, depositions, and all other proceedings in the case and show an allowance of the appeal. The transcript should be a single document, certified at the end as being a full and correct copy of the proceedings in the case and authenticated by the official signature and the seal of the consul.—5 *Saw.*, 79.

**649. Marshals.**—It is the duty of marshals to execute all process issued by the minister of the United States, or by the consuls at the port at which they reside, and to make due return thereof to the officer by whom it was issued, and to conform in all respects to the regulations prescribed by the minister in regard to their duties. They shall also make quarterly returns to the Secretary of State, showing the nature of each case determined in the consular court, the proceedings in connection therewith, and the disposition of the fines and fees (Form No. 137). The quarterly report of a marshal should be sent to the Department of State by the consul at the same time with other quarterly reports.—*R. S.*, sec. 4112.

**650. Report on condition of estates of decedents.**—Consular officers charged with the judicial functions referred to in this article will make a semi-annual report to the Department of State in the case of each estate of deceased American citizens that has come within their probate jurisdiction. (Paragraph 586). The first report shall be made within six



months after the death and subsequent reports at the end of every six months; but the Department may at any time call for such special reports as it may deem proper. These reports will embrace the amount of the decedent's estate, both personal and real; the names of the parties interested, so far as known; the name of the administrator or of the executor, if there be a will; the exact amount of money that has come to the hands of the court or to those of the administrator or executor; if there has been any distribution of the estate, the amount of such distribution and to whom made; and the amount of all expenses and court or other fees received. They should also contain a clear statement of the judicial proceedings in each case, together with any information that will enable the Department to reach an accurate understanding of its condition.

**651. Moneys of estates to be delivered up.**—Upon the entry on duty of a successor to a consul, the outgoing consul shall turn over to the former all moneys that may be in his hands belonging to the estates of deceased citizens, taking triplicate receipts therefor, one of which is to be retained by the outgoing consul, one deposited in the consulate, and the third transmitted to the Department of State. If a consul is removed, or if he resigns and leaves his post before the arrival of his successor, the transfer of such moneys shall be made to the vice-consular officer and like receipts taken.

**652. When no minister.**—If at any time there be no minister in either of the countries mentioned in Title XLVII of the Revised Statutes, the judicial duties imposed by its provisions upon the minister shall devolve upon the Secretary of State, who is authorized and required to discharge them.—*R. S., sec. 4128.*

**653. Definitions.**—The word “minister” when used in this article means the person invested with and exercising the principal diplomatic functions. The word “consul” means

any person invested by the United States with and exercising the functions of consul-general, vice-consul-general, consul, or vice-consul.—*R. S.*, *sec. 4130.*

## ARTICLE XXXI.

## CUSTOMS REGULATIONS.

## INVOICES OF IMPORTATIONS.

**654. Ports of entry.**—The customs laws of the United States require that imported merchandise shall be entered at certain ports on the coast or frontier called “ports of entry.” The merchandise on arrival at the port of entry may be entered for immediate consumption, in which case it is appraised, examined, classified, and delivered to the consignee on payment of the estimated duty; or it may be entered in bond for appraisement and storage in any public or private bonded warehouse.—*R. S.*, *secs. 2770, 2772, 2962.* A list of the customs collection districts, with their respective ports of entry and delivery, is published from time to time by the Secretary of the Treasury and furnished to consuls.

**655. Immediate-transportation ports.**—At certain specified ports merchandise may be entered informally for immediate transportation, without appraisement, to certain specified ports of delivery, where provision is made for entry and appraisement in the same manner as at an original port of arrival. Lists are published from time to time by the Secretary of the Treasury of the ports at which merchandise may be entered for immediate transportation, and also of the ulterior ports to which merchandise may be so transported.—*21 Stat. L.*, 173.

**656. Consignee deemed owner.—Must be resident.**—All merchandise imported into the United States is, for customs purposes, deemed and held to be the property of the person to

whom the merchandise has been consigned. The holder of any bill of lading covering merchandise consigned to order and indorsed by the consignor is deemed the consignee thereof. In case of abandonment of merchandise to the underwriters they may be recognized as the consignees.—*26 Stat. L., 131, sec. 2.* The consignee must be a resident of the United States to enable him to make entry of imported merchandise.—*S. 14019.*

**657. Certified invoices required.**—Except in case of personal effects accompanying a passenger, no imported merchandise exceeding \$100 in value will be admitted to entry without the production of a duly certified invoice thereof, or of an affidavit by the owner, importer, or consignee before the collector, showing that it is impracticable to produce such invoice.—*26 Stat. L., 131, sec. 4; S. 13098.* This rule applies to importations of furniture and household effects of private persons, to merchandise imported for the use of the United States, but not to merchandise which is the product, growth, or manufacture of the United States returned after exportation therefrom. The declaration (Form No. 129) prescribed in paragraph 713 is sufficient for returned American merchandise.—*S. 14210.* (Paragraphs 706, 712–716.)

**658. Personal effects.**—Wearing apparel and other personal effects (not merchandise) of persons arriving in the United States are entitled to entry without certified invoices. But this exemption does not include articles not actually in use and necessary and appropriate for the use of such persons for the purposes of their journey and present comfort and convenience, or which are intended for any other persons or for sale.—*Tariff of 1894, par. 669; S. 12630, 15306.* They must actually accompany the passenger, unless sent by other conveyance on account of accident or other cause beyond the owner's control.—*S. 13490, 14480, 15364, 16497.*

**659. Transit goods.**—Merchandise passing through the

United States in transit to a foreign country and goods shipped from one port or place in the United States through foreign territory to another port or place in the United States are not importations, and such shipments do not require certified invoices.—*133 U. S.*, 273; *S.* 9378, 11778, 13901, 14346, 15348, 15782, 16913.

**660. Gold and silver bullion.**—Specie and gold and silver bullion, transmitted as money in the regular method of foreign exchange, are not subject to the restrictions imposed upon imported merchandise; but bullion exceeding \$100 in value, alleged to be imported as money, will not be admitted to entry without a consular invoice or a bond for the production of such invoice, unless it be shown by the shipper's declaration made before the consular officer at the port of shipment that such bullion is intended to be forwarded as money or medium of exchange at a fixed value per ounce, and not as merchandise.—*S.* 11895, 13392, 14122, 14575, 16884.

**661. Importations broken into small lots.**—Importations not exceeding \$100 in value may be admitted to entry for consumption or for immediate transportation without a certified invoice and without requiring a bond for the production of such invoice; but if the collector believes that the importation has been broken into small lots for the purpose of evading the requirements of the law, he may demand a bond for the production of a certified invoice. Consular officers will notify collectors of suspected divisions of shipments in evasion of the law and will furnish them with such evidence of fraudulent intent as may be obtained.—*S.* 10293, 10579, 11457, 12420, 15061, 16490, 16501, 16605.

**662. Preparation of invoices.**—Invoices must be made out on firm, durable paper, in legible and permanent characters, by writing with ink or by other process producing the same result. Press copies will not be accepted. Hectograph copies will be rejected, except that a hectograph copy of a long and

involved invoice, neatly and legibly produced on durable paper, may be accepted. Shippers should be required to have the invoice statements clear, legible, well arranged, and free from error, in order to avoid difficulty and delay in entering the merchandise and in the liquidation of the entry.—*Cust. Reg.*, 290; *S.* 15276. The invoice is required to be in triplicate (three originals); and in case of merchandise intended for immediate transportation to another port without appraisement it must be in quadruplicate.—*26 Stat. L.*, 131, *sec. 2.*

**663. Consolidating invoices.**—Merchandise purchased for export to the United States must not be included in one invoice with merchandise obtained otherwise than by purchase. It is desirable that an invoice shall include only one shipment of merchandise from the same place to the same consignee. Merchandise shipped to different consignees should not be included in the same invoice.—*S.* 13745. As to invoices of fruit, see *S.* 16605. The consignor need not be the owner of the merchandise, and the consignee may be a distributing agent who forwards the merchandise after entry to several parties for whose use it was exported.—*S.* 9599, 12602, 13012, 13711, 14081, 16605.

**664. Consignment to branch house.**—Merchandise sold to an importer in the United States, but shipped to the seller's branch house in the United States for delivery to the purchaser, should be invoiced as merchandise consigned by the seller to his branch house. (Form No. 139.)

**665. In what currency stated.**—Invoices of merchandise for export to the United States must be made out in the currency of the place or country from which the exportation is made; or, if purchased, in the currency actually paid therefor. The market value of merchandise obtained otherwise than by purchase must be stated in the invoice in the standard coin currency of the country from which the merchandise is

exported, although a depreciated currency may be in circulation there.—*26 Stat. L., 131, sec. 2; Tariff of 1894, sec. 25; S. 10587, 11314, 11641, 13485, 14246, 14280, 15435.*

**666. Description of goods.**—The invoice must contain a correct description of the merchandise, using in each item the name, if any, by which the particular variety is known to the trade in the country of production or exportation. The description should show its kind, quality, component parts, and such other characteristics as will enable a person not an expert to identify the merchandise as produced in the foreign market, and will assist consular and appraising officers in detecting any departure from the actual market value thereof.—*S. 9705, 10608, 13005, 14530, 14686.* Vague and misleading specifications are *prima facie* indications of fraud, and should put the consul on inquiry. They may also result in expensive complications to the importer, who is held to the statements contained in his invoice and entry. Invoices must express the quantities of the merchandise in the weights and measures of the country of exportation, and they are usually, but not necessarily, made out in the language of that country.—*S. 13222, 16447.*

**667. Invoice to be signed.**—If the merchandise was obtained by purchase, the invoice is to be signed by the person owning or shipping the same; and if it was procured otherwise than by purchase, it is to be signed by the manufacturer or owner. In case the purchaser, manufacturer, or owner can not for any reason sign, a duly authorized agent may sign for him and in his name. (Paragraph 672.) The signature may be affixed to the invoice at the shipper's place of business, at the consular office, or elsewhere.—*26 Stat. L., 131, sec. 2; S. 16380.*

**668. Shipper's declaration.**—At or before the shipment of the merchandise the invoice must be produced (in person, not through the mails or by messenger, *S. 12749*) to the consular officer of the United States for the consular district in which

the merchandise was manufactured or purchased, as the case may be, for export to the United States; and it shall have indorsed thereon, when so produced, a declaration signed by the purchaser, manufacturer, owner, or agent, in the same manner as the invoice is signed, setting forth—

1. That the invoice is in all respects correct and true.
2. That it was made at the place from which the merchandise is to be exported to the United States.
3. That it contains, if the merchandise was obtained by purchase, a true and full statement of the time when, the place where, and the person from whom the same was purchased, price paid or to be paid therefor, and of all charges thereon as provided by law.
4. That no discounts, bounties, or drawbacks are contained in the invoice other than such as have been actually allowed thereon.
5. That it contains, when the merchandise was obtained in any other manner than by purchase, the actual market value or wholesale price thereof, at the time of exportation to the United States, in the principal markets of the country whence exported.
6. That such actual market value is the price at which the merchandise described in the invoice is freely offered for sale to all purchasers in said markets, and that it is the price which the manufacturer or owner making the declaration would have received, and was willing to receive, for such merchandise if sold in the ordinary course of trade and in the usual wholesale quantities.
7. That it includes all charges thereon, as provided by law.
8. That no different invoice of the merchandise mentioned in the invoice so produced has been or will be furnished to anyone.
9. If the merchandise was actually purchased, the declaration shall also contain a statement that the currency in which

such invoice is made out is that which was actually paid for the merchandise by the purchaser.

The declaration may be accompanied by a translation into the language of the country of export, printed on the same paper in a parallel column with the English original.—*26 Stat. L., 131, sec. 3.*

**669. Further declaration when goods subject to ad valorem duty.**—Shippers of goods subject, either wholly or in part, to a duty based upon their value must in all cases make a further declaration (on the same form) setting forth separately—

1. The net price of the merchandise free from all charges of commission, packing, etc., or, in case the merchandise is shipped on consignment, the actual net market value thereof in the principal markets of the country from which the shipment is made, by its weight, measure, or quantity.

2. The cost of transportation to the port of shipment.

3. The cost of shipment.

4. The amount of packing charges, including boxing, tiloting, packing, cartons, etc.

5. Insurance, commissions, discounts, legalization, and all costs of any kind, nature, or description incurred in preparing the goods for the market of the United States, separately set forth.

When, however, it is impossible for the shipper to give the information required under the third, fourth, and fifth heads, or any of them—as, for instance, when such charges or any part of them are nonexistent or unascertained at the time of shipment, or are to be paid by the consignee—such items may be omitted, the cause of omission being stated instead.

Itemized statements of these charges are not required for merchandise not subject to ad valorem duty; for statistical purposes, however, the total amount of those charges should be stated.



**670. Forms of declaration.**—The shipper's declaration indorsed upon invoices of merchandise purchased for export to the United States differs in some material particulars from the shipper's declaration indorsed on merchandise obtained otherwise than by purchase. Two forms of declaration have therefore been prescribed for the use of the shipper:

1. The declaration to be made where merchandise actually purchased is exported to the United States. (Form No. 138.)

2. The declaration to be made where merchandise obtained otherwise than by purchase is exported to the United States. (Form No. 139.)

**671. Who may make declaration.**—Invoices of goods to be exported to the United States shall be declared for certification by the purchaser, manufacturer, owner, or agent.—*26 Stat. L., 131, sec. 3.* No one will be recognized as such purchaser, manufacturer, or owner who acts merely as broker or commissioner, without other property interest in the merchandise than that of brokerage or commission. As the purchaser is in many instances the importer and is not in the country of exportation, the seller, acting in the purchaser's behalf, ships the merchandise and may make the invoice and declaration. (Form No. 138.) He is in reality the agent of the purchaser for the purpose of exporting the merchandise, but for customs purposes and to facilitate trade the seller is permitted to act as a principal and to make the declaration in his own name as seller. *S. 10614, 16380.*

**672. Invoice or declaration signed by agent.**—An agent is permitted to sign an invoice or declaration only when it is impracticable for his principal to sign it. Before signing he must have been duly authorized to act for and bind the shipper. He must also be qualified in other respects to perform the delegated service. He must have the same personal knowledge of the facts set forth in the invoice and declaration that would be required of him if he were the principal. A

messenger or clerk unacquainted with the history and facts specified in the invoice is not qualified to sign it or to make the declaration prescribed. A declaration intended for signature by an agent should be in the principal's name and in the same form as if prepared for the principal to sign. It should also be signed in the principal's name, the name and designation of the agent being appended, thus: "RICHARD BAXTER & Co., by WILLIAM E. MORRISON, Agent." The agent's name should not appear in the body of the declaration, and there is no need of special averment in it setting forth the agent's authority and qualification and the reason why the principal himself does not produce the invoice. The agent's subscription and the consul's certificate sufficiently indicate to collectors of customs not only the fact, but the propriety, of the execution by agent.—*S. 8360, 8415, 8490, 16380.*

**673. Powers of attorney—Revocation—Renewal.**—A general form of power of attorney to sign invoices and the declarations thereto is given in Form No. 104; but the authority of an agent for this purpose should be conferred and authenticated in the manner required by the local law, in order that there may be no question as to the legal validity of the agency in the country wherein it is exercised.

There is no occasion for the consular authentication of a power of attorney received for the use of the consular office, nor for requiring a renewal of these powers of attorney upon a change in the head of the consular office. A valid power once executed and filed is sufficient for the purpose until revoked. The revocation may be expressed or implied from circumstances. Care should be taken to cancel all revoked powers, and a new consul should always satisfy himself as to the continued validity of the powers of attorney found in his office before he permits the agents named therein to act under them.—*S. 14029, 14030, 14998, 15431, 15622.*

**674. Consignment for sale—Statement of cost.**—When merchandise entered for customs duty has been consigned for sale by or on account of the manufacturer thereof to a person, agent, partner, or consignee in the United States, such person, agent, partner, or consignee is required at the time of the entry of such merchandise to present to the collector of customs at the port where such entry is made, as a part thereof, a certificate (Form No. 171) showing the actual cost of production of such merchandise, including cost of materials and of fabrication, all general expenses of each and every outlay of whatever nature incident to such production, together with the expense of preparing and putting up such merchandise ready for shipment.

When merchandise similarly entered has been consigned for sale by or on account of a person other than the manufacturer thereof to a person, agent, partner, or consignee in the United States, such person, agent, partner, or consignee is required at the time of the entry of such merchandise to present to the collector of customs at the port where such entry is made, as a part thereof, a statement (Form No. 172), signed by the consignor thereof, declaring that the merchandise was actually purchased by him or for his account, and showing the time when, the place where, and the person from whom the purchase was made, and in detail the price he paid for the same.

These statements of the consignor are required to be made in triplicate, and to bear the attestation of the consular officer resident within the consular district wherein the merchandise was manufactured, if consigned by the manufacturer or on his account, or from whence it was imported when consigned by a person other than the manufacturer, one copy thereof to be delivered to the person making the statement, one copy to be transmitted with the triplicate invoice of the merchandise

to the collector of the port in the United States to which the merchandise is consigned, and the remaining copy to be filed in the consulate.—26 *Stat. L.*, 135, *secs. 8, 11*; *S. 10580, 11471, 11779, 11957, 12467*.

The difficulty of enforcing this provision has been found so great that the Treasury Department has not exacted a literal compliance with it in cases where the declared value of the merchandise has been found on appraisement to be correct; but in case the appraisers are unable to arrive at a final decision in regard to the dutiable value of any imported merchandise consigned directly from the manufacturer, the itemized certificate of cost will be demanded and appraisement will be deferred until it is produced.—26 *Stat. L.*, 135, *sec. 11*; *S. 12467*.

**675. Port of entry to be declared.**—The person producing the invoice is required to declare the port in the United States at which it is intended to make entry of the merchandise.—*R. S.*, *sec. 2855*. Where the shipper is uncertain as to the port of destination of the merchandise, he may name the most probable port of arrival or of entry, and the triplicate invoice should be sent to the collector of customs at that port.—27 *Stat. L.*, 41; *S. 12871*. If the merchandise should be entered at another port, the invoice will, upon timely notice, be forwarded by the collector receiving it to the collector at the port of actual entry; and in case of delay or loss of the invoice an entry may be made upon a pro forma invoice, as is provided in section 2857 of the Revised Statutes, under bond for the production of the consular invoice.

**676. When vessel to carry goods is unknown.**—When merchandise intended for exportation to the United States is invoiced at an interior port, and it is impracticable at the time of shipment from such interior port to state with certainty the name of the vessel by which the merchandise is to be shipped, the

invoice may state the name of the vessel by which it is expected to be shipped; and in case the merchandise is shipped by another vessel the consular officer at the final port of shipment may, at the request of the shipper or his agent, indorse on the shipper's copy the name of the vessel by which the same is actually shipped.

**677. Goods exported without sale, where certified.**—The invoice of merchandise, manufactured or otherwise, produced for export to the United States and exported without previous sale must be certified in the consular district in which it was manufactured or produced.—*S. 11767.* But merchandise manufactured in an unfinished condition (*e. g.*, cotton woven in the gray) in one country or consular district and finished by an additional manufacturing process in another country or consular district for export to the United States is regarded as a manufactured product of the country or district in which the finishing process is effected. Merchandise purchased in an unfinished state of manufacture and subjected to a finishing process by the purchaser, or at his expense, before export to the United States, is held to be a manufacture of the purchaser; and the invoice must be certified by the consul of the consular district in which the last manufacturing process has taken place.—*S. 11468; 14 Blatchf., 550.*

**678. Purchased goods, where certified.**—Invoices of merchandise purchased for export to the United States must be produced for certification to the consul of the district in which the merchandise was when so purchased—that is, the district from which a shipment actually begins its journey to the United States.—*S. 12749.* The place of purchase is held to be the place where the merchandise actually is when it is purchased for exportation to the United States or from which it is exported to the United States, without regard to the place where the bargain of purchase and sale took place between

the purchaser and seller.—*S. 16381.* Merchandise may be sent from one consular district to another or collected from any number of consular districts into one to await a purchaser there, and when purchased for export to the United States the invoice must be certified by the consul of the district in which the merchandise was at the time of such purchase. Goods purchased in different districts, but collected in one district for examination, storage, assorting, finishing, and packing, must be certified by the consul of the district from which the merchandise begins its journey to the United States. Invoices of merchandise purchased from stock in a district other than the district of manufacture or production should be certified by the consul in whose district the merchandise was purchased.—*S. 4454, 15805.*

**679. Certification when no consul of United States.**—If there is no consular officer of the United States in the country from which the merchandise is imported, the certification required should be executed by a consul of a nation at the time in amity with the United States, if there is any such residing there; and if there is no such consul in the country, the certification should be made by two respectable merchants, if any there be residing in the port from which the merchandise is imported.—*R. S., sec. 2844.*

**680. Invoice and declaration to be verified.**—When the invoice and declaration are received by the consul, it is his duty to examine carefully each item and to satisfy himself that it is true and correct. In aid of this examination he is authorized, in his discretion, to call for the bills of sale of merchandise purchased for export to the United States; to inquire into the cost of production of merchandise not obtained by purchase; to demand samples; and, if the conditions require it, to examine the entire consignment. Whenever an invoice is offered for certification which covers consolidated shipments consisting of the productions of different manufacturers, the consul

may demand the submission of the manufacturers' bills relating thereto. Even when the merchandise has been purchased for export and the invoice sets out truly the price paid, the consul should ascertain whether the price represents the market value of the goods.—*S. 6185, 12532, 12780, 16867.*

**681. Verification by oath.**—Consular officers are authorized to require, before certifying any invoice, satisfactory evidence, either by the oath of the person presenting such invoice or otherwise, that it is correct and true.—*R. S., sec. 2862; S. 16381.* In the exercise of this discretion consular officers are to be guided by the regulations or instructions established or given by the Secretary of State.

The following general instructions touching the exercise of the discretion given to consular officers by section 2862 of the Revised Statutes have been issued by the Secretary of State, and they are made a part of these regulations:

No oath shall be required for the verification of invoices of merchandise on the free list or subject to specific duty only.

The verification by oath of invoices of merchandise subject, expressly or in effect, to ad valorem duty may be required when the consular officer to whom the invoices are presented has reasonable ground to suspect fraudulent undervaluation or other willful misstatement therein, but shall not be required in any other case.

Any oath required pursuant to this regulation may be taken before any commissioner or other officer of good character and standing who is legally qualified to administer an oath, to which the local law attaches a penalty for false swearing.

Consular officers are prohibited from receiving the whole or any part of the fees charged by a commissioner or other officer for administering oaths to invoices; from receiving

anything as a gratuity or otherwise on account of the administration of such oaths; and from being in any way, either directly or indirectly, pecuniarily interested in such fees.

**682. Actual market value.**—Whenever imported merchandise is subject to an ad valorem rate of duty, or to a duty based upon or regulated in any manner by the value thereof, the duty is assessed upon the actual market value or wholesale price of such merchandise, as bought, and sold in usual wholesale quantities, at the time of exportation to the United States, in the principal markets of the country whence imported, and in the condition in which such merchandise is there bought and sold for exportation to the United States, or consigned to the United States for sale, including the value of all cartons, cases, crates, boxes, sacks, and coverings of any kind, and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States; and if there be used for covering or holding imported merchandise, whether dutiable or free, any unusual article or form designed for use otherwise than in the bona fide transportation of such merchandise to the United States, additional duty is levied and collected upon such material or article at the rate to which the same would be subject if separately imported. The words "value" or "actual market value," whenever used in any law relating to the appraisement of imported merchandise, are construed to mean the actual market value or wholesale price as defined herein.—*26 Stat. L.*, 139, *sec. 19.*

Drawback allowed by a foreign government upon the exportation of any article produced from imported material can not be deducted from the dutiable value above defined.—*S. 15794.*

**683. Market value, how ascertained.**—In order to ascertain the market value of any given article, it is important to inquire carefully as to the prices indicated in sales thereof for other



markets than our own. When the United States are the only or principal consumers, and fictitious sales are created and nominal values suspected, consuls should ascertain the actual cost of production. Such cost of production includes cost of materials and of fabrication, all general expenses covering each, and every outlay of whatsoever nature incident to such production, together with the expense of preparing and putting up such merchandise ready for shipment, and an addition of 8 per cent upon the total cost as thus ascertained.—*26 Stat. L., 136, sec. 11.*

**684. Samples.**—When the value of merchandise subject to ad valorem duty can not be accurately determined by an inspection of the invoice, samples should be required of such as is of a nature to be sampled, particularly of textile and fibrous goods.

Of textile and fibrous goods there must be three samples, in no case smaller than  $11\frac{1}{2}$  centimeters wide by 18 centimeters long. One sample should be retained at the consulate, one sent to the Board of General Appraisers at New York, and one sent directly to the appraiser at the port at which the merchandise is to be entered. When the merchandise is intended for immediate transportation, under the act of June 10, 1880, the samples should be sent to the chief customs officer at the port to which the merchandise is to be finally forwarded.

Samples of other merchandise, when in the judgment of the consular officer they are not too bulky, heavy, or fragile, should be forwarded to the appraiser at the port of entry.—*S. 15561.* Occasional samples of standard articles of uniform character and well known to the trade will be sufficient. Samples must when practicable be sent to the appraisers on their request.

All such samples, unless perishable, are treated by appraisers as official property, and are retained on file for at least six

months from date of receipt. Consular officers should likewise carefully preserve them, together with the cards or statements to which they are attached. They are not open to inspection by any person not connected with the consular or customs service of the United States, except for the purpose of ascertaining or establishing market value or price, in which case the name of the shipper shall not be made known.

**685. Sample cards.**—Samples should be accompanied by a certified statement or sample card, which should, when practicable, be attached to the sample to which the statement refers. For sample card generally used, see Form No. 147. A special form (No. 148) is given for woolen fabrics.

**686. Consular corrections.**—If, on examination, any of the values stated in the invoice are found to be incorrect, or to be less than the true market value of the merchandise, the consul shall require the correct values to be given by the person producing the invoice, or he shall state the true value, as he conceives it to be, on a red-colored sheet to be attached to the first page of the invoice and designated as the “Page of Consular Corrections.” (Form No. 115.) These blank pages will be issued in book form, serially numbered, and provided with perforated stubs, on which suitable memoranda of corrections made shall be noted by the consul. Even when the price of merchandise purchased for export is correctly stated, the consul shall note on the invoice any difference between the price paid and the actual market value.

**687. Explanation of corrections.**—The consul should in general explain and justify his corrections noted on the invoice in a letter to the collector of customs at the port of entry, which letter may be either attached to the collector’s copy of the invoice or sent separately.—*S. 12283.* The appraisers are required to inform the consul as to what return of value has been made on any invoice upon which the consul has noted an opinion as to the value of the merchandise, and the consul is to be

directly notified in all cases where invoice values are advanced on appraisement.—*S. 16867.*

**688. Certification of invoices.**—When the invoice has been found to be correct or has been duly corrected by means of the consul's notations, the consul shall indorse on each of the triplicate or quadruplicate invoices a certificate (Form No. 140), under his hand and seal (stamp signatures are not sufficient, *S. 7045*), to the effect that the invoice was produced to him, the date of such production, name of person producing it, the port in the United States at which it shall be entered, the declared intention to make entry of the merchandise, and also that he is satisfied the statements made in the invoice are true.—*R. S., sec. 1715, 2855.*

**689. Numbering and indorsement.**—Invoices must be consecutively numbered in the order in which they are certified. A new series of numbers must be begun each calendar year. Each copy of the invoice must be carefully folded in two folds, placing the number, port, and date on the outside. The amount of the invoice, its serial number, the name of the consulate, and the amount of the fee received for the certification should be stamped or written near the bottom of the first page at the left-hand corner of the invoice, and also upon the certificate. The copy filed in the consulate must show, also, the name of the owner or shipper and the name of the vessel. Every blank space in the forms should be filled with proper wording or by a dash with the pen to show that it has not been overlooked.

**690. Invoices fraudulently undervalued not to be certified.**—Certification may be refused when the merchandise specified in the invoice appears to have been, or the consular officer has reason to believe that it has been, undervalued with fraudulent intent; but where the consul and the shipper honestly differ as to the true valuation, each should state his estimate of the value, and leave the determination of the true value

to the appraising officers at the port of entry.—*R. S., sec. 1715; S. 11954, 15265, 15801.* The consular officer is authorized to refuse to certify an invoice only when the evidence of fraudulent intent appears to him conclusive, as when the shipper refuses to comply with the requirements prescribed in these Regulations. Whenever the consular officer is in doubt as to the good faith of the shipper, he may certify the invoice, taking the precaution to make adequate memoranda on the sheet provided for consular corrections and notations.—*S. 15801.*

**691. Certification after shipment.**—In exceptional cases where the production of the invoice at or before the shipment of the merchandise is shown to have been impracticable, an invoice produced after shipment may be certified upon satisfactory evidence that it is true and correct. In such case the reasons for production and certification after shipment should be indorsed on the invoice. Greater leniency in enforcing this requirement is permissible in the shipment of perishable merchandise requiring quick handling than in other cases. On the other hand, the consul may refuse to certify the invoice before the merchandise has been actually shipped, in cases where the good faith of the shipper appears to him to be doubtful.—*S. 15604.*

*Replace invoices.*—After an invoice has been certified and the merchandise shipped the consul should, as a general rule, decline to certify a substitute or “replace” invoice advancing the values, or otherwise materially changing the original statement. Invoices may sometimes, through inadvertence or ignorance of the law, be prepared so faultily as to justify correction in a substituted invoice; but such substitutions have been so frequently made to evade the penalty of an attempted undervaluation that they will be permitted only when the clearest evidence is produced of the unavoidable nature of the errors alleged to have occurred in the original invoice, and when it is positively shown that no premeditated

evasion of the revenue laws has been involved in the proceeding.—*S. 17295.*

**692. Currency certificates.**—The price of merchandise obtained by purchase must be stated in the currency actually paid therefor; and when the currency paid for purchased merchandise is depreciated, a currency certificate (Form No. 144) must be attached to the invoice showing the percentage of depreciation as compared with the corresponding standard coin currency and the value in such standard coin currency of the total amount of the depreciated currency paid for merchandise included in the invoice.—*R. S., sec. 2903; S. 14287, 17252.* This certificate should show, not the value of the depreciated currency in money of account of the United States, but its value in terms of the standard coin currency in comparison with which the currency used in the purchase is depreciated.—*S. 11314, 12399, 14107, 17170.*

In the assessment of duty the currency of the invoice is reduced to the money of account of the United States upon the basis of the values of foreign coins at the date of shipment, as proclaimed by the Secretary of the Treasury for the 1st day of January, April, July, and October of each year.—*Tariff of 1894, sec. 25; S. 16921.* The date of shipment is determined for this purpose by the date of the bill of lading, if there is one; otherwise, by the consular certificate to the invoice.—*S. 14910.* In the absence of a currency certificate no allowance will be made for depreciated currency.—*S. 15435.*

A consular currency certificate is not required when the invoice is stated in coin not included in the Secretary of the Treasury's quarterly statement of values. The customs officers at the port of entry will in such cases ascertain from the most available sources the value of the coin in the money of the United States.—*S. 2909.* For statistical purposes currency certificates are required for all invoices of merchandise

purchased and paid for in depreciated currency, without regard to the dutiable or nondutiable character of the merchandise.—*S. 14287.*

**693. Disposition of invoices.**—The consular officer is required to designate by stamp or otherwise the original, duplicate, triplicate, and (when there is one) quadruplicate of each invoice. The original must be filed for preservation in the consular office, the duplicate delivered to the person producing the invoice, or, upon his request, to the agents of the vessel in which the merchandise is to be exported to the United States, and the triplicate sent promptly, by the master of the vessel conveying the merchandise, or by mail, and without the intervention of any party in interest, to the collector of customs of the port at which the merchandise is to be finally entered.—*S. 15936.* When the merchandise is to be entered under the immediate-transportation act (paragraph 662), the quadruplicate copy of the invoice required by that act must be delivered, with the duplicate, to the person producing the invoice.

The triplicate or collector's copy of the invoice should always be transmitted, carefully addressed, in the most direct and speedy manner possible, so that it will reach the customhouse before the entry of the merchandise. It is never to be sent through the office of the consul-general.

All the triplicate invoices to be forwarded to the same collector by the same mail or vessel should be placed in an envelope, with a letter in Form No. 142, carefully addressed to the collector and stamped with the name of the consulate and the date. The blank for the number of invoice must be filled in writing. A small silk cord or narrow ribbon must then be passed through the envelope, near the end and sides, and under the consular seal, with which the envelope must be carefully sealed. The postage must be prepaid. When the

collector's invoice is sent by the master of the vessel which carries the merchandise, a receipt (Form No. 141) must be taken from the master and filed in the consular office.

**694. Descriptive lists.**—When invoices are transmitted from a consulate or place of purchase or manufacture in the interior to the consul at the port of shipment designated in the invoice, to be thence forwarded to the proper collector, the package must be accompanied by a descriptive list (Form No. 143), to facilitate comparison with the shipper's manifest, before taking the master's receipt as per Forms Nos. 141 and 143. The consul at the port of shipment must see that the integrity of the package is duly secured in the manner prescribed in the preceding paragraph.

**695. Fee for certification.**—An official fee of \$2.50 has been prescribed for the consular certificate to the invoice required by law for entering imported merchandise.—*R. S., secs. 1716, 2851.* In the provinces of British North America the fee for certifying an invoice of merchandise not exceeding \$100 in value is \$1.—*R. S., sec. 1721.* This fee pays for the certified invoice in triplicate or quadruplicate, as the case may be, for the certificate of cost (paragraph 674), for the currency certificate (paragraph 692), and for any other authentication required in the entry of the merchandise.

**696. Fees for copies and for extra and transit invoices.**—Fees collected for copies of invoices, or for extra invoices certified as originals, are official.—*133 U. S., 273.* Fees for certified invoices to accompany merchandise shipped for transit through the United States to a foreign country are likewise official. (Paragraph 533.)

**697. Copies and prices current for collectors.**—Consuls are required, on request of the proper collectors of customs, to supply them, free of charge, with copies of invoices or with other documents on file in the consular office which are

needed by the customs officers in the discharge of their duties. They are also required to furnish the Secretary of the Treasury, the Board of General Appraisers, or such other officers as the Secretary of the Treasury may designate, with the prices current of the merchandise usually exported to the United States from their respective consular districts.—*R. S.*, *sec. 1713.* (Paragraph 600.)

**698. To explain the customs laws and regulations to exporters.**—Consular officers are enjoined to explain to exporters in their districts the scope and purpose of the customs laws and regulations of the United States, and to take all proper measures for obtaining information needed by the customs officers.

**699. Retaliatory tariff provisions.**—The duty imposed by paragraphs 166, 182½, 185, 568, 591, 643, and 683 of the tariff act of 1894, depends on the existence or the nonexistence of certain specified conditions affecting the merchandise mentioned therein in the country of export. Consular officers are requested to note on invoices of merchandise subject to these variable duties the existence of any law or fact in the country of export which would call into operation the respective provisos in the said paragraphs and warrant the collection of the alternative duty.

#### SEALING OF CARS ENTERING THE UNITED STATES FROM CANADA.

**700.** To avoid inspection at the frontier port or place of arrival in the United States of any car coming from contiguous territory in the Dominion of Canada which is capable of being properly closed and securely fastened and which is laden with merchandise destined for a port of entry or of delivery under the immediate-transportation act (paragraph 655), in the United States by a continuous railway route, the owner of such merchandise, or his agent, or the conductor of such car, is required to make application to a consular officer



of the United States residing in such foreign territory to close and seal said car, and also to prepare and present to such consular officer a manifest (Form No. 146) in quintuplicate containing a full and correct description of the merchandise, the marks and numbers on the packages, the dutiable value of each package; description and number of the car, and name of the railroad company to which it belongs.—*R. S.*, secs. 3102, 3103; *Cust. Reg.*, arts. 457, 458; *S.* 3025, 11433, 12406.

**701.** On receipt of such manifest in quintuplicate as aforesaid, the consular officer of the United States will, after a careful comparison of the contents of the car with the manifest, duly close and seal the openings of the car, and will thereupon, after placing a serial number on the manifest, retain one copy thereof for the files of his office, transmit one copy immediately by the conductor of such car, in a sealed envelope, to the principal customs officer at the frontier port or place of first arrival in the United States, transmit another copy by mail to the collector at the port of destination, deliver the fourth copy to the owner, agent, or conductor to accompany the car, and transmit the fifth copy directly to the Auditor for the Treasury Department.—*Cust. Reg.*, art. 458; *S.* 11433.

**702.** Before sealing the cars their contents should be examined and compared as to marks and numbers of the packages with the manifests presented for the consul's official signature; and the cars should be closed and sealed before the manifests are forwarded to their destination or delivered to the conductors of the trains. No car should be sealed if containing merchandise destined to more than one port, as it is contemplated that the car shall be opened only at one port of entry or of delivery and its entire contents taken out there. In no instance should this duty be intrusted to an unofficial person.

## DOCUMENTATION OF MERCHANDISE FOR FREE ENTRY.

**703.** The tariff act of 1894, provides for the admission of certain articles of foreign growth or production free of duty, under regulations to be prescribed by the Secretary of the Treasury. In some cases the cooperation of consuls is provided for in the Treasury regulations, and these cases are given below.

**704. Animals for breeding purposes.**—The act provides that any animal imported specially for breeding purposes shall be admitted free: *Provided*, That no such animal shall be admitted free unless pure bred of a recognized breed and duly registered in the book of record established for that breed, and the Secretary of the Treasury may prescribe such additional regulations as may be required for the strict enforcement of this provision.—*Tariff of 1894, par. 373.*

**705.**—The Treasury regulations direct that no animal imported for breeding purposes shall be admitted free of duty unless the importer furnishes a certificate of the record and pedigree (Form No. 186), showing that the animal is pure bred of a recognized breed, and has been admitted to full registry in a book of record established for that breed, and that its sire and dam and grandsires and granddams were all recorded in a book of record established for the same breed. For list of the books of record, see Appendix V. An affidavit (Form No. 187) by the owner, agent, or importer that such animal is the identical animal described in said certificate of record and pedigree must be presented. This affidavit, when made at the port of exportation, must be made before the consular officer of the United States. In the case of sheep, females are frequently recorded by flocks, and not individually; therefore, whenever the aforesaid requirement as to pedigree can not be complied with, the animal will be admitted on the certificate of the secretary of one of the recognized associations named in the circular to the effect that it is pure bred and has been

registered in the flock book of that association.—*S. 15589, 16462.*

Unless the certificate of record and pedigree be produced, the animal will be considered as not being pure bred of a recognized breed and duly registered in the book of record established for that breed, and the duty will be assessed accordingly.—*S. 11274, 15539, 15922, 16108.*

**706. Immigrants' teams and effects.**—Teams of animals, including their harness and tackle, and the wagons or other vehicles actually owned by persons emigrating from foreign countries to the United States with their families, and in actual use for the purpose of such emigration, are admitted free under such regulations as the Secretary of the Treasury may prescribe. The team of an unmarried immigrant used in conveying personal effects and tools of trade from a foreign country to the United States may be admitted free of duty. Horses intended for racing purposes in the United States can not be admitted to free entry as the team of an immigrant, although used by an immigrant in the act of immigrating. Horses of immigrants used for the transportation of themselves and luggage to a railway station and thence shipped to the United States, where they are again used by the immigrants to reach their destination, are to be considered in actual use for the purpose of immigration; but horses and harness purchased abroad and brought to the United States in cars as freight are not within the terms of the act.—*Tariff of 1894, par. 374; S. 11178, 12624, 12956, 16589.*

**707.** To entitle to free entry teams of animals, including their harness, and the wagons or other vehicles drawn by such teams, and the customary articles used in connection therewith, when brought into the United States by bona fide immigrants, the immigrant must make declaration before the United States consular officer or the collector, at the option of the immigrant, stating the number and kind of animals

and articles, that they are owned by the affiant and are being used for the purpose of immigration and are not intended for sale, and that the same have been in actual use by him abroad. (Form No. 128.)

**708. Natural mineral waters.**—Mineral waters, all not artificial, and mineral salts of the same obtained by evaporation, when accompanied by duly authenticated certificates showing that they are in no way artificially prepared and are the product of a designated mineral spring; lemonade, soda water, and all similar waters are exempt from duty.—*Tariff of 1894, par. 555.* Natural mineral water artificially charged with gas from the same or an adjacent spring, to compensate for loss of same in bottling, is entitled to free entry.—*S. 5115, 16249, 16845.* The certificate required should be separate and distinct from the invoice and invoice certificate, and should embrace the oath or declaration of the owner or manager of the spring, authenticated under the certificate of the consular officer of the United States.—*S. 15503, 16587.* (Form No. 156.)

**709. Paintings and statuary.**—Paintings, in oil or water colors, original drawings and sketches, and artists' proofs of etchings and engravings, and statuary, not otherwise provided for in the tariff act, are exempt from duty; but the term "statuary" as therein used includes only professional productions, whether statuary or sculpture, and the word "painting" does not include such as are made wholly or in part by stenciling or other mechanical process.—*Tariff of 1894, par 575.* The professional productions of a statuary or sculptor are such works of art as are the result of the artist's own creation or copies of them or of works of other artists, made under his direction and supervision.—*S. 9744, 11394; 108 U. S., 312; 132 U. S., 167.* The most direct and satisfactory, but not the only, evidence that the statue is the professional production of a statuary or sculptor is the declara-

tion (Form No. 127) of the sculptor himself, certified by the consular officer.—*S. 11394, 15283, 15428, 15821, 16377.*

710. There is no requirement that the paintings provided for in the foregoing paragraph should be the production of professional artists, rising to the dignity of works of art, or should be accompanied by artists' certificates; but they must have been produced by hand and not by stenciling or other mechanical process.—*S. 9161, 15292.*

Paintings on porcelain in mineral colors, vitrified by firing, are not exempt from duty under paragraph 575 of the tariff act, and articles primarily designed for a useful purpose, but made the groundwork of artistic painting to please the eye and gratify the taste, are not paintings within the meaning of that paragraph, although the painting imparts to them their chief value from a pecuniary point of view. Paintings on clocks, curtains, gas fixtures, porcelain plaques and other similar ware, tiles, glass windows, table covers, doilies, etc., do not entitle those articles to free entry under this paragraph, although they may be so entitled under paragraph 686 of the act. (Paragraph 711.) The painting must be designed solely for ornamental purposes, and the groundwork may be anything not designed to fulfill a useful purpose apart from the painting upon it.—*S. 15178, 15413, 15831, 15952, 16422, 16429, 16430, 16712.*

711. Works of art, the production of American artists residing temporarily abroad, or other works of art, including pictorial paintings on glass, imported expressly for presentation to a national institution, or to any State or municipal corporation, or incorporated religious society, college, or other public institution, including stained or painted window glass or stained or painted glass windows, are exempt from duty; but such exemption shall be subject to such regulations as the Secretary of the Treasury may prescribe.—*Tariff of 1894, par. 686; S. 15540.*

For the free entry of any work of art, the production of an American artist residing temporarily abroad, it is requisite that the article shall be positively identified as such production by means of the declaration (Form No. 155) of the producer or of witnesses of such production, and such other evidence as may be needed to establish the facts to the satisfaction of the collector of customs.—*Cust. Reg. art. 352.*

Paragraph 686 of the tariff act requires only that the article shall be a work of art produced by an American artist, or, if not so produced, that it shall be imported for one of the purposes mentioned therein. As all paintings and all statuary which is the work of a professional sculptor are admitted free of duty under the present tariff act, the consular certificate of identification (Form No. 186) is not necessary for the works of American artists.—*S. 11693, 15292, 15321, 16116, 16341, 16712.*

#### RETURNED AMERICAN MERCHANDISE.

**712.** Articles the growth, produce, and manufacture of the United States, when returned after having been exported, without having been advanced in value or improved in condition by any process of manufacture or other means; casks, barrels, carboys, bags, and other vessels of American manufacture exported filled with American products, or exported empty and returned filled with foreign products, including shooks when returned as barrels or boxes; also quicksilver flasks or bottles, of either domestic or foreign manufacture, which have been actually exported from the United States, are exempt from duty; but proof of the identity of such articles must be made under general regulations to be prescribed by the Secretary of the Treasury.—*Tariff of 1894, par. 387.*

**713.** To guard against fraud and to insure identity, the

Treasury regulations require, in addition to proof of exportation, the production of a declaration (Form No. 129), made by the foreign exporter of the merchandise before the consul, of the fact that the merchandise was imported from the United States and that it has not been advanced in value or improved in condition by any process of manufacture or other means. But if it be impracticable to produce such declaration at the time of making entry, bond may be given for the production thereof.—*S. 14653, 15063, 16794* (Paragraph 657).

**714. Shooks of American manufacture.**—Consular officers are required to keep a debit and credit account or record of shooks, claimed to be of American manufacture, imported into or exported from their districts, and to grant certificates (Form No. 130) under seal for such of the shooks as are covered by certificates under seal from customs officers in the United States, showing the merchandise to be of domestic manufacture exported for return as boxes or barrels.—*Cust. Reg. 1892, art. 337.*

To the end that consuls may have the requisite information upon which to base their certificates, collectors of customs have been instructed to forward, on the shipment of such shooks to foreign ports, declared to be intended for reimportation, to the proper consul, at the expense of the shippers, a certificate showing that such exportation has been made.—*Cust. Reg. 1892, art. 337.*

Whenever a shipment of boxes or barrels is made from a consular district other than that into which the shooks were imported, the consul in the former district must require the production from the consul in the latter district of the required certificate of importation, and the latter will make the required record of exportation.

**715. Orange and lemon boxes.**—Thin wood, so called, comprising the sides, tops, and bottoms of orange and lemon boxes of

the growth and manufacture of the United States, exported as orange and lemon box shooks, may be reimported in completed form, filled with oranges and lemons, by the payment of duty at one-half the rate imposed on similar boxes of entirely foreign growth and manufacture.—*Tariff of 1894, par. 216.*

The effect of this provision is to impose a duty of 15 per cent ad valorem on orange and lemon boxes made in part (sides, tops, and bottoms, the ends being of foreign material) of thin wood of the growth and manufacture of the United States, and to exclude such boxes from the benefit of paragraph 387 of the tariff act, which, being generic in its terms, would otherwise entitle them to admission free of duty.—*S. 15563, 15674, 15850, 16009, 16473, 17004.*

**716.** The regulations for the documentation of boxes and barrels made of American shooks (paragraph 714) are to be applied as far as may be to orange and lemon boxes the sides, tops, and bottoms of which are made of thin wood of the growth and manufacture of the United States.

The affidavit of the foreign shipper (Form No. 130) may be modified to agree with the facts in the shipment of boxes not wholly made of shooks the product of the United States, and the certificate of the consul may be modified to agree with the facts of each case.

Thin wood exported for the purpose of being used in the construction of orange and lemon boxes is required to be specially designated in the outward manifest on exportation from the United States as "orange and lemon box shooks." They must be entered in the consular record required by paragraph 714 as "orange and lemon box shooks," and the certificate of the consul must show that the exportation back to the United States includes this class of shooks and no other.

**717. Products of American fisheries.**—Paragraph 568 of the



tariff act of 1894, provides for the admission free of duty of spermaceti, whale, and other fish oils of American fisheries, and all fish and other products of such fisheries.

Fish, oil, bone, pearl shells, and other products of American fisheries brought into the United States from foreign places in a vessel other than the one by which the same were taken will be admitted to free entry as if brought in the original fishing vessel on the production to the collector of customs at the port of importation by the master of the importing vessel of a manifest of said articles (Form No. 157) duly subscribed and sworn to by the master of the fishing vessel by which said articles were taken, and certified by the consular officer of the United States at the foreign port where they were transshipped; or, if there be no such officer at the place, it must be certified by two respectable resident merchants that the facts set forth in the manifest are just and true, and that there is no consular officer of the United States at the place. (Form No. 158.) *S. 10358, 10362, 10391, 10433, 10650, 11300, 11604, 11680, 11709, 11846, 12622, 12623, 13613, 13614, 15479, 15662, 15679, 15735, 16721.*

**718. Product of American fisheries in the Pacific.**—Articles which are the product of American fisheries in the Pacific may be landed from the fishing vessel at Panama and transported across the Isthmus of Panama, and shipped to a port of the United States, on the Atlantic or Gulf of Mexico, and be admitted to free entry on due compliance with these regulations.

The consul of the United States at Panama, or the revenue inspector, will examine the packages and compare them with the manifest, and certify thereon the result under his hand and official seal, stating in his certificate that the articles so manifested were placed, under his inspection, on the cars or other vehicles for transportation to the port or place of shipment on the Atlantic side.

On arrival of the articles at the Atlantic terminus of the route, the manifest aforesaid must be presented to the consul of the United States at Colon, or to the revenue inspector, who will certify thereon to the due shipment of same under his inspection.

**719. Marks of country of origin.**—All articles of foreign manufacture, such as are usually or ordinarily marked, stamped, branded, or labeled, and all packages containing such or other imported articles, are required to be plainly marked, stamped, branded, or labeled in legible English words before importation, so as to indicate the country of their origin and the quantity of their contents; and until so marked, stamped, branded, or labeled they will not be delivered to the importer. Should any article of imported merchandise be marked, stamped, branded, or labeled so as to indicate a quantity, number, or measurement in excess of or less than the quantity, number, or measurement actually contained in such article, no delivery of the same will be made to the importer until the mark, stamp, brand, or label has been changed so as to conform to the facts of the case.—*Tariff of 1894, sec. 5.* This provision applies to merchandise of foreign *manufacture* only, and not to merchandise produced otherwise than by a manufacturing process.—*S. 15441, 15484.* Its application is also limited to such articles of foreign manufacture as are usually or originally marked, stamped, branded, or labeled; but all packages, outer and inner, containing such imported merchandise, whether dutiable or free, and whether imported for sale or for the importer's own use, must be marked, stamped, branded, or labeled as the statute directs.—*S. 16402.*

**720.** The indication of the country of origin need not necessarily be restricted to the declaration of the name of such country, but may be accepted under whatever form, provided the merchandise contains unmistakable evidence of its origin, without misleading marks or signs. The marking should be

legible, durable, and so located that there will be no difficulty in seeing it.—*S. 11115, 11749, 15248, 15250, 16156, 16238, 16257, 16374, 16608.*

Where the article was ordinarily stamped at the time of the passage of the act, the country of origin should be indicated by stamp thereon; if branded, the country should be indicated by brand thereon; or if labeled, the country should be indicated by label thereon; and if marked in any other way, the country should be similarly shown.—*S. 10832, 15279, 15371, 16147.*

The requirement that the marking of the merchandise shall show the quantity of the contents is satisfied when the packages which contain such articles as are usually marked, stamped, branded, or labeled duly indicate the quantity of their contents.—*S. 15248, 15279.* Each package must accordingly show the number of pieces contained in it and the weight thereof, gross and net.—*S. 15248.*

The marking of articles of cutlery should be of such a character that it can not be removed unless ground out on a grindstone; it should be quite as legible as the proprietary marks, and so located that there will be no difficulty in seeing it. The marking of bags should be made indelible, in order to avoid obliteration by moisture and handling.—*S. 16147, 16187, 16190, 16238.*

**721.** Champagnes, mineral waters, etc., in labeled bottles may be admitted if the outside packages are marked with the name of the country of origin.

The marking of the inside cartons and outside packages of small articles which can not themselves be readily marked will be sufficient.

Sheets of zinc, tin plate, and similar articles, which are not usually stamped, except to indicate gauge, etc., may be admitted to entry if the packages are marked, stamped, etc.

In the instance of filled imported bottles, the law will be

complied with if one label thereon bears the name of the country of origin.

The country of origin, and not the locality of manufacture, must be shown; and abbreviations which are sufficiently definite may be accepted.

Fire brick and like articles imported in bulk need not be marked.

In the case of articles which are usually packed in cartons or bands, it will suffice if the inside and outside packages are marked with the name of the country of origin.

Packages containing beer manufactured in Germany, of German malt and Austrian hops, should be marked "Germany," as indicating the country of origin of the article.

The law does not contemplate the marking of coverings of crude or other substances of a moist or deliquescent nature; for example, certain kinds of sugar in mats, etc., where permanent marking would be impracticable.

Articles usually imported in bulk, when secured together for convenience in handling, are not considered packages requiring to be marked.

Books, newspapers, pamphlets, maps, charts, engravings, sheet music, and other printed matter are not articles such as are "usually or ordinarily marked."

Merchandise intended for immediate export or for transit through the United States to Mexico or Canada does not come within the purview of the laws as to marking, stamping, branding, etc.

Men's, women's, and children's garments, except hosiery and underwear, are not such articles as "are usually and ordinarily marked, stamped, branded, or labeled;" but the packages, wrappers, cartons, or coverings containing such articles must be marked in accordance with law.

**722. Convict-made merchandise.**—The entry at any port of the United States of goods, wares, articles, and merchandise

manufactured wholly or in part in any foreign country by convict labor is prohibited; and consular officers are instructed to note on the collector's copy of an invoice of merchandise known or reasonably suspected to be the product of convict labor the fact of such production or the reasons for suspecting it, or to give the information to the collector in a separate communication.—*Tariff of 1894, sec. 24; S. 12300.*

Shippers who are known to employ convict labor or to handle convict-made merchandise may be required to make oath before a competent local official regarding the origin of their shipments, and the consul may refuse to certify any invoice covering merchandise suspected to be made by convict labor until the exporter shall have made oath to the effect that no part thereof was manufactured wholly or partially by convict labor; provided that a copy of the rejected invoice shall be sent to the collector of customs at the port of intended entry in the United States, with a statement of the consul's reasons for rejecting it, if it was refused.—*S. 11649, 11934, 14353.*

#### LANDING CERTIFICATES.

**723.** Bonds given for the exportation of merchandise from the United States to a foreign country are canceled on the presentation of a verified or authenticated landing certificate which shows that the merchandise has been delivered at its foreign destination. Exportations under bond may be made for the purpose of avoiding the actual payment of duty or of internal-revenue tax, or they may be made under the laws providing for the transportation of merchandise from one foreign country to another foreign country in transit through the United States.

**724.** To cancel bonds given for payment of duty or of internal-revenue tax.—All bonds given to cover the exportation of any merchandise from the United States, and on which any

drawback of duties or allowance is payable by reason of such exportation, may be discharged by production within one year from the date thereof, if the exportation has been made to any port of Europe or America, or within two years if made to any port of Asia or Africa, of—

1. A certificate (Form No. 150) under the hand of the consignee at the foreign port to whom the merchandise shall have been addressed, therein particularly setting forth and describing the articles so exported, their marks, numbers, description of packages, the number thereof, and their actual contents, and declaring that the same have been received by him from on board the vessel, specifying the names of the master and vessel from which they were so received; and where such merchandise is not consigned or addressed to any particular person at the foreign port to which the vessel is destined or arrives, but where the master or other person on board such vessel is the consignee of such merchandise, a certificate from the person to whom such merchandise has been sold or delivered by such master or other person shall be produced, to the same effect as that required if the person receiving the same had been originally intended to be the consignee thereof.—*R. S., sec. 3044.* In cases of shipment of tobacco or snuff in bond under section 24 of the act of February 8, 1875, Form No. 183 should be followed.—*18 Stat. L., 312.*

2. A certificate (Form No. 151) under the hand and seal of the consul or agent of the United States, residing at the place, declaring either that the facts stated in the certificate of such consignee, or other person, are to his knowledge true, or that such certificate is deserving of full faith and credit.—*R. S., sec. 3045.*

3. The oath (Form No. 153) of the master and mate, if living, or, in case of their death, the oath of the two principal surviving officers of the vessel in which the exportation shall

be made, confirming the certificates of the consignee and consul.—*R. S., sec. 3045.*

4. Where there is no consul or agent of the United States residing at the place of landing, the certificate of the consignee or other person hereinbefore required shall be confirmed by the certificate (Form No. 152) of two reputable American merchants residing at the place, or if there are no such American merchants, then by the certificate of two reputable foreign merchants, testifying that the several facts stated in such consignee's or other person's certificate are, to their knowledge, just and true, or that such certificate is, in their opinion, worthy of full faith and credit; and such certificate shall also be supported by the oath of the master and mate or other principal officers of the vessel, in the manner before prescribed.

The oath of the master and mate or other principal officers shall, in all cases, when taken at a foreign port, be taken and subscribed before the consul or consular agent of the United States residing at such foreign port, if any such consul or agent reside thereat.—*R. S., sec. 3045.*

**725. Where affidavit of master and mate not procurable.**—In cases where it is impossible to obtain the affidavit of the master and mate or the principal officers of the vessel in which the exportation has been made, the declaration of the consignees may be confirmed by a certificate (Form No. 154) from the custom-house at the foreign port showing landing and entry of the merchandise.—*S. 14568.*

In view of the difficulty often experienced in obtaining the oath of the master and mate to landing certificates covering articles exported from the United States by steamship lines, collectors of customs are hereby authorized, in all cases of exportation under internal-revenue laws, where the articles are exported by steam vessels belonging to or chartered by any steamship line having an agent at the foreign port of

landing, to accept, in lieu of the prescribed oath of the master and mate, the sworn statement of such foreign agent. The statement of the agent in such cases must be substantially in the form heretofore prescribed for the master and mate of the exporting vessel (Form No. 153) and must be sworn to before a United States consul or some foreign revenue officer having a seal. This provision applies only to cases of exportation under the internal-revenue laws. Exportations under sections 3044 and 3045, Revised Statutes, must be verified as prescribed in paragraph 724.—*S. 13719, 14263, 14568.*

**726. Consolidation of landing certificates.**—The consignee may be the agent to receive the merchandise and distribute it among several ultimate consignees; and several lots of merchandise shipped on separate bills of lading and at different times, but entered at the foreign custom-house at the same time by one consignee who is the holder of all the bills of lading, may be embraced in one landing certificate executed by the holder of the bills of lading; but if the bills of lading show different consignees, a landing certificate is required from each consignee. Consolidation of shipments after arrival of the merchandise in the foreign port by the act of the several consignees in empowering one of their number to act for all in entering the merchandise and making the consignee's certificate is not permitted.—*S. 11669, 12747, 14775, 14903, 14968.*

These rules have been relaxed in favor of shipments of less than \$100 in value by land to Canada and Mexico, so that one landing certificate may be made to cover any number of such shipments by the same exporter to the same destination.—*S. 14209, 14777.*

When merchandise exported with benefit of drawback is landed at one foreign port for entry and transportation to an ulterior foreign port, the landing certificate must be executed



at the port of first arrival by the consignee who makes the entry for transportation beyond.

These forms are specially adapted to the export of distilled spirits, but the same proof of landing in a foreign country is required to cancel a bond given for the exportation of domestic tobacco, snuff, and cigars under the internal-revenue laws.—*Cust. Reg.*, art. 664.

**727. General directions.**—Landing certificates must be signed by the consignee abroad. In all cases where practicable the signature of the principal should be affixed to the document before or at the time of its presentation for the consular certificate; in no case should the signature of an agent be accepted unless absolute and legal proof of his authority is produced.

Consular numbers for landing certificates should be commenced on the 1st of January in each year and continued consecutively during the entire calendar year. The number should be written or stamped plainly at the left-hand upper corner on the face of the certificate.

When fees for landing certificates are reported (paragraph 568), the numbers placed on each certificate should appear upon the return of fees, as in the case of invoices.

A register of landing certificates (Form No. 134) is required to be kept by consular officers in a book furnished for the purpose.

**728. For merchandise in transit to Canada and Mexico from foreign countries.**—Section 3005 of the Revised Statutes provides that all merchandise arriving at certain ports and destined for places in the adjacent British provinces or in the Republic of Mexico may be entered at a custom-house and conveyed in transit through the territory of the United States without payment of duties, under such regulations as the Secretary of the Treasury may prescribe.

Bond for merchandise exported to Canada under this law

may be canceled under the Treasury regulations, on receipt of a certificate of inspection and exportation made by the collector of customs of the United States at the frontier port and a certificate of landing in Canada by the collector at the Canadian port of entry, without consular verification.—*Cust. Reg., arts. 437, 438.*

For the cancellation of the bond for merchandise in transit to Mexico under section 3005 of the Revised Statutes the exporter is required to produce, in addition to the certificate of inspection and exportation of the collector at the frontier port, a landing certificate (Form No. 184) of the foreign consignee or a certificate of entry from a Mexican customs officer, verified by a consular officer of the United States (Form No. 185).

The holder at a foreign port of a bill of lading issued to him by the common carrier may properly be considered as the consignee authorized to execute the landing certificate.—*S. 10708.*

**729. Transportation in bond into the Free Zone of Mexico.**—The application of the foregoing regulations to that portion of the Mexican border known as the Free Zone was suspended by a joint resolution of Congress passed March 1, 1895, which directs the Secretary of the Treasury to suspend the operation of section 3005 of the Revised Statutes in so far as the same permits goods, wares, and merchandise to be transported in bond through the United States into the Free Zone of Mexico so long as the Mexican Free Zone law exists.—*28 Stat. L., 973; S. 15771.*

**730. Transportation beyond Free Zone—Entry in Free Zone—Places affected.**—Merchandise destined for places in Mexico beyond the limits of said Free Zone may be forwarded as heretofore under the regulations cited. Merchandise consigned to places within the limits of the Free Zone must be entered and appraised at the port of original importation,

and may be forwarded, under warehouse and transportation entry, to ports on the frontier, where entry for exportation may be made in the usual manner.—*S. 15792, 15904, 15935, 16130, 16263, 16396, 17294.*

The places within the Free Zone affected by the law may be ascertained by application to the Secretary of the Treasury.

**731. Consuls and special Treasury agents.**—Consular officers will confer freely with the Treasury revenue agents who may be appointed to visit and examine the consulates. They will remember, however, that these agents have no authority to instruct them as to their official acts. Consular officers will also render to such revenue agents every assistance in their power in the performance of their duties, giving them free access to the records and papers of their consulates relating to trade with the United States; communicating to them promptly any information acquired by them showing or indicating actual or contemplated frauds in the exportation of merchandise to the United States, or which may be in any wise useful to such agents in the prosecution of their inquiries or the performance of their duties, and generally cooperating with them therein; and giving special attention to any invoices of merchandise in which, or in relation to which, such agents may advise them that there is reason to apprehend that fraud or irregularity has been or is likely to be committed. Where samples are susceptible of being divided, such agents will be entitled to one-half of any such sample on application therefor; and in all cases they will be entitled to make such use of samples as may be necessary to enable them to prosecute any inquiry or procure any required proof in the performance of their duties.



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APPENDIX No. I.

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THE CONSTITUTION OF THE UNITED STATES.

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THE CONSTITUTION  
OF THE  
UNITED STATES OF AMERICA.

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**732.** WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

ARTICLE I.

**733.** SECTION. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

**734.** SECTION. 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other

Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

**735. SECTION. 3.** The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the



President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

736. SECTION. 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

737. SECTION. 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

738. SECTION. 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

739. SECTION. 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

740. SECTION. 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court:

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

741. SECTION. 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be

prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

742. SECTION. 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controll of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

## ARTICLE II.

743. SECTION. 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that

Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States.

In case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

744. SECTION. 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

745. SECTION. 3. He shall from time to time give to the Congress Information of the State of the Union. and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

746. SECTION. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

#### ARTICLE III.

747. SECTION. 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their continuance in Office.

748. SECTION. 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State,

the Trial shall be at such Place or Places as the Congress may by Law have directed.

**749. SECTION. 3.** Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

#### ARTICLE IV.

**750. SECTION. 1.** Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

**751. SECTION. 2.** The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

**752. SECTION. 3.** New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

**753. SECTION. 4.** The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of



them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

## ARTICLE V.

754. The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of it's equal Suffrage in the Senate.

## ARTICLE VI.

755. All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

## ARTICLE VII.

756. The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independance of the United States of America the Twelfth.

## AMENDMENTS.

## ARTICLE I.

757. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

## ARTICLE II.

758. A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

## ARTICLE III.

759. No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

## ARTICLE IV.

760. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

## ARTICLE V.

761. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

## ARTICLE VI.

762. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district

wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Witnesses in his favor, and to have the Assistance of Counsel for his defence.

## ARTICLE VII.

763. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

## ARTICLE VIII.

764. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

## ARTICLE IX.

765. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

## ARTICLE X.

766. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

## ARTICLE XI.

767. The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

## ARTICLE XII.

768. The Electors shall meet in their respective states, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of

the United States, directed to the President of the Senate;—The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

#### ARTICLE XIII.

769. SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

770. SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

#### ARTICLE XIV.

771. SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty,

or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

772. SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

773. SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

774. SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

775. SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

#### ARTICLE XV.

776. SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

777. SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.



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APPENDIX No. II.

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EXTRACTS FROM THE STATUTES OF THE UNITED STATES  
RELATIVE TO THE CONSULAR SERVICE.

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EXTRACTS FROM THE REVISED STATUTES AND OTHER  
ACTS OF CONGRESS RELATING TO THE  
CONSULAR SERVICE.

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**TITLE I.**

(Sec. 1-13.)

**GENERAL PROVISIONS.**

778. In determining the meaning of the revised statutes, or of any act or resolution of Congress passed subsequent to February twenty-fifth, eighteen hundred and seventy-one, words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; words importing the masculine gender may be applied to females; the words "insane person" and "lunatic" shall include every idiot, non compos, lunatic, and insane person; the word "person" may extend and be applied to partnerships and corporations, and the reference to any officer shall include any person authorized by law to perform the duties of such office, unless the context shows that such words were intended to be used in a more limited sense; and a requirement of an "oath" shall be deemed complied with by making affirmation in judicial form.

779. SEC. 3. The word "vessel" includes every description of water-craft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

780. SEC. 6. In all cases where a seal is necessary by law to any commission, process, or other instrument provided for by the laws of Congress, it shall be lawful to affix the proper seal by making an impression therewith directly on the paper to which such seal is necessary; which shall be as valid as if made on wax or other adhesive substance.

**TITLE XIII.**  
**THE JUDICIARY.**

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**781. SEC. 896.** Copies of all official documents and papers in the office of any consul, vice-consul, or commercial agent of the United States, and of all official entries in the books or records of any such office, certified under the hand and seal of such officer, shall be admitted in evidence in the courts of the United States. [See § 1707.]

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**TITLE XIV.**  
**THE ARMY.**

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**782. SEC. 1236.** All officers who have served during the rebellion as volunteers in the Army of the United States, and have been honorably mustered out of the volunteer service, shall be entitled to bear the official title, and, upon occasions of ceremony, to wear the uniform of the highest grade they have held, by brevet or other commissions, in the volunteer service. The highest volunteer rank which has been held by officers of the Regular Army shall be entered, with their names respectively, upon the Army Register. But these privileges shall not entitle any officer to command, pay, or emoluments.

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**TITLE XVIII.**

(Sec. 1674-1752.)

**DIPLOMATIC AND CONSULAR OFFICERS.**

**783. SEC. 1674.** The official designations employed throughout this Title shall be deemed to have the following meanings, respectively:

First. "Consul-general," "consul," and "commercial agent," shall be deemed to denote full, principal, and permanent consular officers, as distinguished from subordinates and substitutes.

Second. "Deputy consul" and "consular agent" shall be deemed to denote consular officers subordinate to such principals, exercising the powers and performing the duties within the limits of their consulates or commercial agencies respectively, the former at the same ports or places, and the latter at ports or places different from those at which such principals are located respectively.

Third. "Vice-consuls" and "vice-commercial agents" shall be deemed to denote consular officers, who shall be substituted, temporarily, to fill the places of consuls-general, consuls, or commercial agents, when they shall be temporarily absent or relieved from duty.

Fourth. "Consular officer" shall be deemed to include consuls-general, consuls, commercial agents, deputy consuls, vice-consuls, vice-commercial agents, and consular agents, and none others.

Fifth. "Diplomatic officer" shall be deemed to include ambassadors, envoys extraordinary, ministers plenipotentiary, ministers resident, commissioners, chargés d'affaires, agents, and secretaries of legation, and none others.

## CHAPTER II.

### CONSULAR OFFICERS.

784. SEC. 1689. The various provisions of this Title which are expressed in terms of general application to any particular classes of consular officers, shall be deemed to apply as well to all other classes of such officers, so far as may be consistent with the subject-matter of the same, and with the treaties of the United States.

785. SEC. 1690. Consuls-general, consuls, and commercial agents appointed to the ports and places specified in Schedules B and C, are entitled to annual salaries respectively, at the rates specified therein. And whenever the President thinks proper to appoint a consul to any port or place named in the Schedules B and C for a commercial agency instead of such commercial agent, or vice versa, and an appointment is made accordingly, the compensation for such consular officer shall be the same in any such case as that fixed for such port or place in the schedule embracing the same; or whenever the President thinks the public interests will be subserved by appointing to any such port or place a consul-general instead of a consul or commercial agent, and an appointment is made accordingly, the compensation for such consul-general shall be the same as that fixed for such port or place in the schedule embracing the same.

**786. SEC. 1691.** No consul-general or consul shall be permitted to hold the office of consul-general or consul at any other consulate, or exercise the duties thereof.

**787. SEC. 1692.** [Superseded by sec. 3, Act of June 11, 1874, par. 854.]

**788. SEC. 1693.** The salary of the interpreter at the consulate of Bangkok, in Siam, shall not exceed the sum of five hundred dollars a year; and no salary shall be allowed the marshal at that consulate.

**789. SEC. 1694.** The President is authorized, whenever in his judgment the public interest may so require, to discontinue the consulate of the United States at Trinidad de Cuba, and to appoint at Cienfuegos, in that island, a consul with the same salary and emoluments as those now allowed by law to the consul at Trinidad de Cuba.

**790. SEC. 1695.** The President is authorized to define the extent of country to be embraced within any consulate or commercial agency, and to provide for the appointment of vice-consuls, vice-commercial agents, deputy consuls, and consular agents, therein, in such manner and under such regulations as he shall deem proper; but no compensation shall be allowed for the services of any such vice-consul, or vice-commercial agent, beyond nor except out of the allowance made by law for the principal consular officer in whose place such appointment shall be made. No vice-consul, vice-commercial agent, deputy consul, or consular agent, shall be appointed otherwise than under such regulations as have been or may be prescribed by the President.

**791. SEC. 1696.** The only allowance to any vice-consulate or consular agency for expenses shall be an amount sufficient to pay for stationery and postage on official letters.

**792. SEC. 1697.** Every consul-general, consul, and commercial agent, before he receives his commission or enters upon the duties of his office, shall give a bond to the United States, with such sureties, who shall be permanent residents of the United States, as the Secretary of State shall approve, in a penal sum not less than one thousand dollars, and in no case less than the annual compensation allowed to such officer, and not more than ten thousand dollars, and in such form as the President shall prescribe, conditioned for the true and faithful accounting for, paying over, and delivering up of all fees, moneys, goods, effects, books, records, papers, and other property which shall come to his hands, or to the hands of any other person to his use as such consul-general, consul, or commercial agent, under any law now or hereafter enacted; and for the true and faithful performance of all other duties now or hereafter lawfully imposed upon him as such consul-general, consul, or commercial

agent. The bonds herein mentioned shall be deposited with the Secretary of the Treasury.

**793. SEC. 1698.** Every vice-consul shall, before he enters on the execution of his trust, give bond, with such sureties as shall be approved by the Secretary of State, in a sum of not less than two thousand nor more than ten thousand dollars, conditioned for the true and faithful discharge of the duties of his office according to law, and for truly accounting for all moneys, goods, and effects which may come into his possession by virtue of his office. The bond shall be lodged in the office of the Secretary of the Treasury.

**794. SEC. 1699.** No consul-general, consul, or commercial agent, embraced in Schedule B, shall, while he holds his office, be interested in or transact any business as a merchant, factor, broker, or other trader, or as a clerk or other agent for any such person to, from, or within the port, place, or limits of his consulate or commercial agency, directly or indirectly, either in his own name, or in the name or through the agency of any other person; and he shall, in his official bond, stipulate, as a condition thereof, not to violate this prohibition.

**795. SEC. 1700.** All consular officers whose respective salaries exceed one thousand dollars a year, shall be subject to the prohibition against transacting business contained in the preceding section. And the President may extend the prohibition to any consul or commercial agent not embraced in Schedules B and C, and to any vice-consul, vice-commercial agent, deputy consul, or consular agent, and may require such officer to give a bond not to violate the same.

**796. SEC. 1701.** Every consul-general, consul, or commercial agent who violates the prohibition against transacting business, required to be inserted in his official bond, shall be liable to a penalty therefor, for the use of the United States, equal in amount to the annual compensation specified for him in Schedule B, which may be recovered in an action of debt at the suit of the United States, either directly for the penalty, as such, against such consul-general, or consul, or commercial agent, or upon his official bond, as liquidated damages, for the breach of such condition against such consul-general, consul, or commercial agent, and his sureties, or any one or more of them; and in every such case all such actions shall be open to the United States for the collection of such penalty till the same shall be collected in some one of such actions; and every such penalty, when collected, shall be paid into the Treasury of the United States.

**797. SEC. 1702.** The compensation of consuls whose annual salaries do

not, under existing law, exceed one thousand five hundred dollars, shall, when the fees collected at the consulates where they are located and paid into the Treasury of the United States amount to three thousand dollars, be two thousand dollars a year.

SEC. 1703. Every vice-consul and vice-commercial agent shall be entitled, as compensation for his services as such, to the whole or so much of the compensation of the principal consular officer in whose place he shall be appointed, as shall be determined by the President, and the residue, if any, shall be paid to such principal consular officer; and every consular agent shall be entitled, as compensation for his services, to such fees as he may collect under the regulations prescribed by the President governing the subject of fees, or to so much thereof as shall be determined by the President; and the principal officer of the consulate or commercial agency within the limits of which such consular agent shall be appointed shall be entitled to the residue, if any, in addition to any other compensation allowed him by law for his services therein.

799. SEC. 1704. The President is authorized, whenever he shall think the public good will be promoted thereby, to appoint consular clerks, not exceeding thirteen in number at any one time, who shall be citizens of the United States, and over eighteen years of age at the time of their appointment, and shall be entitled to compensation for their services respectively at a rate not exceeding one thousand dollars a year each, to be determined by the President; and to assign such clerks, from time to time, to such consulates and with such duties as he shall direct. [See par. 856.]

800. SEC. 1705. Before the appointment of any such consular clerk shall be made, it shall be satisfactorily shown to the Secretary of State, after due examination and report by an examining board, that the applicant is qualified and fit for the duties to which he shall be assigned; and such report shall be laid before the President. And no clerk so appointed shall be removed from office, except for cause stated in writing, which shall be submitted to Congress at the session first following such removal.

801. SEC. 1706. The President may allow consuls-general, consuls, and commercial agents, who are not allowed to trade, actual expenses of office-rent, not to exceed, in any case, twenty per centum of the amount of the annual compensation allowed to such officer, whenever he shall think there is sufficient reason therefor.

802. SEC. 1707. Consuls and vice-consuls shall have the right, in the ports or places to which they are severally appointed, of receiving the

protests or declarations which captains, masters, crews, passengers, or merchants, who are citizens of the United States, may respectively choose to make there; and also such as any foreigner may choose to make before them relative to the personal interest of any citizen of the United States. Copies of such acts duly authenticated by consuls or vice-consuls, under the seal of their consulates, respectively, shall be received in evidence equally with their originals in all courts in the United States. [See § 896.]

**803. SEC. 1708.** Every consular officer shall keep a detailed list of all seamen and mariners shipped and discharged by him, specifying their names and the names of the vessels on which they are shipped and from which they are discharged, and the payments, if any, made on account of each so discharged; also of the number of the vessels arrived and departed, the amounts of their registered tonnage, and the number of their seamen and mariners, and of those who are protected, and whether citizens of the United States or not, and as nearly as possible the nature and value of their cargoes, and where produced, and shall make returns of the same, with their accounts and other returns, to the Secretary of the Treasury. [See §§ 4561, 4580.]

**804. SEC. 1709.** It shall be the duty of consuls and vice-consuls, where the laws of the country permit:

First. To take possession of the personal estate left by any citizen of the United States, other than seamen belonging to any vessel, who shall die within their consulate, leaving there no legal representative, partner in trade, or trustee by him appointed to take care of his effects.

Second. To inventory the same with the assistance of two merchants of the United States, or, for want of them, of any others at their choice.

Third. To collect the debts due the deceased in the country where he died, and pay the debts due from his estate which he shall have there contracted.

Fourth. To sell at auction, after reasonable public notice, such part of the estate as shall be of a perishable nature, and such further part, if any, as shall be necessary for the payment of his debts, and, at the expiration of one year from his decease, the residue.

Fifth. To transmit the balance of the estate to the Treasury of the United States, to be holden in trust for the legal claimant; except that if at any time before such transmission the legal representative of the deceased shall appear and demand his effects in their hands they shall deliver them up, being paid their fees, and shall cease their proceedings.

**805. SEC. 1710.** For the information of the representative of the

deceased, the consul or vice-consul, in the settlement of his estate, shall immediately notify his death in one of the gazettes published in the consulate, and also to the Secretary of State, that the same may be notified in the State to which the deceased belonged; and he shall, as soon as may be, transmit to the Secretary of State an inventory of the effects of the deceased, taken as before directed.

**806. SEC. 1711.** When any citizen of the United States, dying abroad, leaves, by any lawful testamentary disposition, special directions for the custody and management, by the consular officer of the port or place where he dies, of the personal property of which he dies possessed in such country, such officer shall, so far as the laws of the country permit, strictly observe such directions. When any such citizen so dying, appoints, by any lawful testamentary disposition, any other person than such officer to take charge of and manage such property, it shall be the duty of the officer, whenever required by the person so appointed, to give his official aid in whatever way may be necessary to facilitate the proceedings of such person in the lawful execution of his trust, and, so far as the laws of the country permit, to protect the property of the deceased from any interference of the local authorities of the country where such citizen dies; and to this end it shall be the duty of such consular officer to place his official seal upon all of the personal property or effects of the deceased, and to break and remove such seal as may be required by such person, and not otherwise.

**807. SEC. 1712.** Consuls and commercial agents of the United States in foreign countries shall procure and transmit to the Department of State authentic commercial information respecting such countries, of such character and in such manner and form and at such times as the Department may from time to time prescribe.

And they shall also procure and transmit to the Department of State, for the use of the Agricultural Department, monthly reports relative to the character, condition, and prospective yields of the agricultural and horticultural industries and other fruiteries of the country in which they are respectively stationed;

And the Commissioner of Agriculture is hereby required and directed to embody the information thus obtained, or so much thereof as he may deem material and important, in his monthly bulletin of crop reports. [As amended by act June 18, 1888, 25 Stat., 186.]

**808. SEC. 1713.** Every consular officer shall furnish to the Secretary of the Treasury, as often as shall be required, the prices current of all articles of merchandise usually exported to the United States from the port or place in which he is situated;



And he shall also furnish to the Secretary of the Treasury, at least once in twelve months, the prices current of all articles of merchandise, including those of the farm, the garden, and the orchard, that are imported through the port or place in which he is stationed.

And he shall also report as to the character of agricultural implements in use, and whether they are imported to or manufactured in that country; as to the character and extent of agricultural and horticultural pursuits there.

That part of the information thus obtained which pertains to agriculture shall be transmitted by the Secretary of the Treasury, as soon as the same shall have been received by him, to the Commissioner [now Secretary] of Agriculture, who shall include the same, or so much thereof as he may deem material and important, in his annual reports, stating the said prices in dollars and cents, and rendering tables of foreign weights and measures into their American equivalents.—[As amended by Act June 18, 1888, 25 Stat., 186.]

809. SEC. 1714. The specification in this Title of certain powers to be exercised and duties to be performed by consuls and vice-consuls, shall not be construed as implying the exclusion of others resulting from the nature of their appointments, or prescribed by any treaty or convention under which they may act.

810. SEC. 1715. No consular officer shall certify any invoice unless he is satisfied that the person making oath thereto is the person he represents himself to be, that he is a credible person, and that the statements made under such oath are true; and he shall, thereupon, by his certificate, state that he was so satisfied. [See § 2862 R. S.]

811. SEC. 1716. The fee provided by law for the verification of invoices by consular officers shall, when paid, be held to a full payment for furnishing blank forms of declaration to be signed by the shipper, and for making, signing, and sealing the certificate of the consular officer thereto; and any consular officer who, under pretense of charging for blank forms, advice, or clerical services in the preparation of such declaration or certificate, charges or receives any fee greater in amount than that provided by law for the verification of invoices, or who demands or receives for any official services, or who allows any clerk or subordinate to receive for any such service any fee or reward other than the fee provided by law for such service, shall be punishable by imprisonment for not more than one year, or by a fine of not more than two thousand dollars; and shall be removed from his office.

812. SEC. 1717. That no consular officer of the United States shall hereafter grant a certificate for goods, wares, or merchandise shipped from

countries adjacent to the United States, which have passed a consulate after purchase for shipment. [See § 2861 R. S.]

**813. SEC. 1718.** Whenever any master or commander of a vessel of the United States has occasion for any consular or other official service, which any consular officer of the United States is authorized by law or usage officially to perform, and for which any fees are allowed by the rates or tariffs of fees, he shall apply to the consular officer at the consulate or commercial agency where such service is required to perform such service, and shall pay to such officer the fees allowed for such service by the rates or tariffs of fees. And every such master or commander who omits so to do shall be liable to the United States for the amount of the fees lawfully chargeable for such services when actually performed. All consular officers are authorized and required to retain in their possession all the papers of such vessels, which shall be deposited with them as directed by law, till payment shall be made of all demands and wages on account of such vessels. [See §§ 4207, 4309.]

**814. SEC. 1719.** No consular officer, nor any person under any consular officer shall make any charge or receive, directly or indirectly, any compensation, by way of commission or otherwise, for receiving or disbursing the wages or extra wages to which any seaman or mariner is entitled who is discharged in any foreign country, or for any money advanced to any such seaman or mariner who seeks relief from any consulate or commercial agency; nor shall any consular officer, or any person under any consular officer, be interested, directly or indirectly, in any profit derived from clothing, boarding, or otherwise supplying or sending home any such seaman or mariner. Such prohibition as to profit, however, shall not be construed to relieve or prevent any such officer who is the owner of or otherwise interested in any vessel of the United States, from transporting in such vessel any such seaman or mariner, or from receiving or being interested in such reasonable allowance as may be made for such transportation by law. [See §§ 4561, 4577, 4578, 4580, 4581, 4584.]

**815. SEC. 1720.** American vessels running regularly by weekly or monthly trips, or otherwise, to or between foreign ports, shall not be required to pay fees to consuls for more than four trips in a year.

**816. SEC. 1721.** The fee for certifying invoices to be charged by the consul-general for the British North American Provinces, and his subordinate consular officers and agents, for goods not exceeding one hundred dollars in value, shall be one dollar.

**817. SEC. 1722.** No consul, vice-consul, or consular agent in the Dominion of Canada, shall be allowed tonnage fees for any services, actual or

constructive, rendered any vessel owned and registered in the United States that may touch at a Canadian port; and in the collection of official fees they shall receive foreign moneys at the rate given in the Treasury schedule of the value of foreign coins.

**818. SEC. 1723.** Whenever any consular officer collects, or knowingly allows to be collected for any service, any other or greater fees than are allowed by law for such service, he shall, besides his liability to refund the same, be liable to pay to the person by whom or in whose behalf the same are paid, treble the amount of the unlawful charge so collected, as a penalty, to be recovered with costs, in any proper form of action, by such person for his own use. And in any such case the Secretary of the Treasury may retain out of the compensation of such officer, the amount of such overcharge, and of such penalty, and charge the same to such officer in account, and may thereupon refund such unlawful charge, and pay such penalty to the person entitled to the same if he shall think proper so to do.

**819. SEC. 1724.** Every consul-general, consul, or commercial agent, mentioned in Schedules B and C, or vice-consul, or vice-commercial agent, appointed to perform the duty of any such officer mentioned in Schedules B and C, who omits to collect any fees which he is entitled to charge for any official service, shall be liable to the United States therefor, as if he had collected the same; unless, upon good cause shown therefor, the Secretary of the Treasury shall think proper to remit the same.

**820. SEC. 1725.** All such consuls-general, consuls, commercial agents, and consular agents, as are allowed for their compensation the whole or any part of the fees which they may collect, and all such vice-consuls and vice-commercial agents appointed to perform the duties of such consuls-general, consuls, and commercial agents as are allowed for their compensation the whole or any part of such fees, shall make returns in such manner as the Comptroller of the Treasury shall prescribe, of all such fees as they or any person in their behalf so collect. [As amended by section 5, Act June 31, 1894, 28 Stat., 162.]

**821. SEC. 1726.** Every consular officer shall give receipts for all fees collected for his official services, expressing the particular services for which the same were collected. [See § 4213.]

**822. SEC. 1727.** Every consular officer shall number all receipts given by him for fees received for official services, in the order of their dates, beginning with number one at the commencement of the period of his service, and on the first day of January in every year thereafter. He

shall also register in a book to be kept by him for that purpose all fees so received by him, in the order in which they are received, specifying each item of service and the amount received therefor, from whom, and the dates when received, and if for any service connected with any vessel, the name thereof, and indicating what items and amounts are embraced in each receipt given by him therefor, and numbering the same according to the number of the receipts respectively, so that the receipts and register shall correspond with each other; and he shall, in such register, specify the name of the person for whom, and the date when he shall grant, issue, or verify any passport, certify any invoice, or perform any other official service in the entry of the receipt of the fees therefor, and also number each consular act so receipted for with the number of such receipt, and as shown by such register.

**823. SEC. 1738.** Every consular officer, in rendering his account of fees received shall furnish a full transcript of the register which he is required to keep, and make oath that, to the best of his knowledge, the same is true, and contains a full and accurate statement of all fees received by him, or for his use, for his official services as such consular officer, during the period for which it purports to be rendered. Such oath may be taken before any person having authority to administer oaths at the port or place where the consular officer is located. If any such consular officer willfully and corruptly commits perjury, in any such oath, within the intent and meaning of any act of Congress now or hereafter made, he may be charged, proceeded against, tried, and convicted, and dealt with in the same manner, in all respects, as if such offense had been committed in the United States, before any officer duly authorized therein to administer or take such oath, and shall be subject to the same punishment and disability therefor as are or shall be prescribed for such offense.

**824. SEC. 1729.** All fees collected by any consul or commercial agent not mentioned in Schedule B or C, or by any vice-consul or commercial agent appointed to perform their duties, or by any other person in their behalf, shall be accounted for to the Secretary of the Treasury in the manner prescribed by the five preceding sections.

**825. SEC. 1730.** Consuls-general, consuls, and commercial agents, not embraced in Schedules B and C, shall be entitled, as compensation for their services, to such fees as they may collect under the regulations prescribed by the President governing the subject of fees.

**826. SEC. 1731.** It shall be the duty of all consular officers at all times to keep posted up in their offices, respectively, in a conspicuous place, and

subject to the examination of all persons interested therein, a copy of such rates or tariffs as shall be in force.

**827. SEC. 1732.** Whenever the fees collected by or in behalf of any consul or commercial agent, not mentioned in Schedule B or C, amount to more than twenty-five hundred dollars in any one year, over and above such expenses of office-rent and clerk-hire as are approved by the Secretary of State, of which return shall be made to the Secretary of the Treasury, the excess for that year shall be held subject to the draft or other directions of the Secretary of the Treasury.

**828 SEC. 1733.** All moneys received for fees at any vice-consulates or consular agencies of the United States, beyond the sum of one thousand dollars in any one year, and all moneys received by any consul or consul-general from consular agencies or vice-consulates in excess of one thousand dollars in the aggregate from all such agencies or vice-consulates, shall be accounted for to the Secretary of the Treasury, and held subject to his draft or other directions.

**829. SEC. 1734.** Every consular officer who willfully neglects to render true and just quarterly accounts and returns of the business of his office, and of moneys received by him for the use of the United States, or who neglects to pay over any balance of such moneys due to the United States at the expiration of any quarter, before the expiration of the next succeeding quarter, shall be deemed guilty of embezzlement of the public moneys, and shall be punishable by imprisonment for not more than one year and by a fine of not more than two thousand dollars, and shall be forever disqualified from holding any office of trust or profit under the United States.

**830. SEC. 1735.** Whenever any consular officer willfully neglects or omits to perform seasonably any duty imposed upon him by law, or by any order or instruction made or given in pursuance of law, or is guilty of any willful malfeasance or abuse of power, or of any corrupt conduct in his office, he shall be liable to all persons injured by any such neglect, or omission, malfeasance, abuse, or corrupt conduct, for all damages occasioned thereby; and for all such damages, he and his sureties upon his official bond shall be responsible thereon to the full amount of the penalty thereof, to be sued in the name of the United States for the use of the person injured. Such suit, however, shall in no case prejudice, but shall be held in entire subordination to the interests, claims, and demands of the United States, as against any officer, under such bond, for every willful act of malfeasance or corrupt conduct in his office.

**831. SEC. 1736.** If any consul or commercial agent neglects or omits to perform, seasonably, the duties imposed upon him by the laws regulating the shipment and discharge of seamen, and the reclamation of deserters on board or from vessels in foreign ports, or is guilty of any malversation or abuse of power, he shall be liable to any injured person for all damage occasioned thereby; and for all malversation and corrupt conduct in office, he shall be punishable by imprisonment for not more than five years and not less than one, and by a fine of not more than ten thousand dollars and not less than one thousand. [See § 4600.]

**832. SEC. 1737.** If any consul, vice-consul, commercial agent, or vice-commercial agent falsely and knowingly certifies that property belonging to foreigners is property belonging to citizens of the United States, he shall be punishable by imprisonment for not more than three years and by a fine of not more than ten thousand dollars.

**833. SEC. 1738.** No consular officer shall exercise diplomatic functions, or hold any diplomatic correspondence or relation on the part of the United States, in, with, or to the government or country to which he is appointed, or any other country or government, when there is in such country any officer of the United States authorized to perform diplomatic functions therein; nor in any case, unless expressly authorized by the President so to do. [See § 5335.]

**834. SEC. 1739.** For such time as any consular officer shall be authorized to perform diplomatic functions, in the absence of the regular diplomatic officer in the country to which he shall be appointed, he shall be entitled in addition to his compensation as such consular officer, to receive compensation for his services while so authorized, at the rate which would be allowed for a secretary of legation in such country.

### CHAPTER III.

#### PROVISIONS COMMON TO DIPLOMATIC AND CONSULAR OFFICERS.

**835. SEC. 1740.** No ambassador, envoy extraordinary, minister plenipotentiary, minister resident, commissioner, chargé d'affaires, secretary of legation, assistant secretary of legation, interpreter to any legation or consulate, or consul-general, consul, or commercial agent, mentioned in Schedules B and C, shall be entitled to compensation for his services, except from the time he reaches his post and enters upon his official duties to the time when he ceases to hold such office, and for such time as is actually and necessarily occupied in receiving his instructions, not

to exceed thirty days, and in making the direct transit between the place of his residence, when appointed, and his post of duty, at the commencement and termination of the period of his official service, for which he shall in all cases be allowed and paid, except as hereinafter mentioned. And no person shall be deemed to hold any such office after his successor is appointed and actually enters upon the duties of his office at his post of duty, nor after his official residence at such post has terminated if not so relieved. But no such allowance or payment shall be made to any consul-general, consul, or commercial agent, not embraced in Schedules B and C, or to any vice-consul, vice-commercial agent, deputy consul, or consular agent, for the time so occupied in receiving instructions, or in such transit as aforesaid; nor shall any such officer as is referred to in this section be allowed compensation for the time so occupied in such transit, at the termination of the period of his official service, if he has resigned or been recalled therefrom for any malfeasance in his office.

**836. SEC. 1741.** No ambassador, envoy extraordinary, minister plenipotentiary, minister resident, commissioner, chargé d'affaires, secretary of legation, assistant secretary of legation, interpreter for any legation or consulate, or consul-general, consul, or commercial agent, mentioned in Schedules B and C, or consular agent, shall be absent from his post, or the performance of his duties, for a longer period than ten days at any one time, without the permission previously obtained of the President.

**837. SEC. 1742.** No diplomatic or consular officer shall receive salary for the time during which he may be absent from his post, by leave or otherwise, beyond the term of sixty days in any one year; but the time equal to that usually occupied in going to and from the United States in case of the return, on leave, of such diplomatic or consular officer to the United States may be allowed in addition to such sixty days.

**838. SEC. 1743.** The compensation allowed by law to the various diplomatic and consular officers shall be in full for all the services rendered and personal expenses incurred by the persons respectively for whom such compensation is provided, of whatever kind such services or personal expenses may be, or by whatever treaty, law, or instructions they are required; and no allowance, other than such as is so provided, shall be made in any case for the outfit or return home of any such officer or person.

**839. SEC. 1744.** No compensation provided for any officer mentioned in section sixteen hundred and seventy-five, or for any assistant secretary of legation, or any appropriation therefor, shall be applicable to the payment of the compensation of any person appointed to or holding any such

office who shall not be a citizen of the United States; nor shall any other compensation be allowed in any such case.

840. SEC. 1745. The President is authorized to prescribe, from time to time, the rates or tariffs of fees to be charged for official services, and to designate what shall be regarded as official services, besides such as are expressly declared by law, in the business of the several legations, consulates, and commercial agencies, and to adapt the same, by such differences as may be necessary or proper, to each legation, consulate, or commercial agency; and it shall be the duty of all officers and persons connected with such legations, consulates, or commercial agencies to collect for such official services such and only such fees as may be prescribed for their respective legations, consulates, and commercial agencies, and such rates or tariffs shall be reported annually to Congress.

841. SEC. 1746. All fees collected by diplomatic and consular officers for and in behalf of the United States shall be collected in the coin of the United States, or at its representative value in exchange.

842. SEC. 1747. All fees collected by the consuls general, consuls, and commercial agents mentioned in Schedules B and C, and by vice-consuls and vice-commercial agents appointed to perform their duties, or by any other persons in their behalf, shall be accounted for to the Secretary of the Treasury, and held subject to his draft, or other directions.

843. SEC. 1748. The President is authorized to provide at the public expense all such stationery, blanks, record and other books, seals, presses, flags, and signs, as he shall think necessary for the several legations, consulates, and commercial agencies in the transaction of their business.

844. SEC. 1749. Whenever any diplomatic or consular officer of the United States dies in a foreign country in the discharge of his duty, there shall be paid to his widow, or, if no widow survive him, then to his heirs at law, a sum of money equal to the allowance now made to such officer for the time necessarily occupied in making the transit from his post of duty to his residence in the United States.

845. SEC. 1750. Every secretary of legation and consular officer is hereby authorized, whenever he is required or deems it necessary or proper so to do, at the post, port, place, or within the limits of his legation, consulate, or commercial agency, to administer to or take from any person an oath, affirmation, affidavit, or deposition, and to perform any notarial act which any notary public is required or authorized by law to do within the United States. Every such oath, affirmation, affidavit, deposition, and notarial act administered, sworn, affirmed, taken, had,



or done, by or before any such officer, when certified under his hand and seal of office, shall be as valid, and of like force and effect within the United States, to all intents and purposes, as if administered, sworn, affirmed, taken, had, or done, by or before any other person within the United States duly authorized and competent thereto. If any person shall willfully and corruptly commit perjury, or by any means procure any person to commit perjury in any such oath, affirmation, affidavit, or deposition, within the intent and meaning of any act of Congress now or hereafter made, such offender may be charged, proceeded against, tried, convicted, and dealt with in any district of the United States, in the same manner, in all respects, as if such offense had been committed in the United States, before any officer duly authorized therein to administer or take such oath, affirmation, affidavit, or deposition, and shall be subject to the same punishment and disability therefor as are or shall be prescribed by any such act for such offense; and any document purporting to have affixed, impressed, or subscribed thereto or thereon the seal and signature of the officer administering or taking the same in testimony thereof, shall be admitted in evidence without proof of any such seal or signature being genuine or of the official character of such person; and if any person shall forge any such seal or signature, or shall tender in evidence any such document with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit, he shall be deemed and taken to be guilty of a misdemeanor, and on conviction shall be imprisoned not exceeding three years nor less than one year, and fined in a sum not to exceed three thousand dollars, and may be charged, proceeded against, tried, convicted, and dealt with, therefor, in the district where he may be arrested or in custody. [See §§ 5392, 5393.]

**846. SEC. 1751.** No diplomatic or consular officer shall correspond in regard to the public affairs of any foreign government with any private person, newspaper, or other periodical, or otherwise than with the proper officers of the United States, nor recommend any person, at home or abroad, for any employment of trust or profit under the government of the country in which he is located; nor ask or accept, for himself or any other person, any present, emolument, pecuniary favor, office, or title of any kind, from any such government.

**847. SEC. 1752.** The President is authorized to prescribe such regulations, and make and issue such orders and instructions, not inconsistent with the Constitution or any law of the United States, in relation to the

duties of all diplomatic and consular officers, the transaction of their business, the rendering of accounts and returns, the payment of compensation, the safe keeping of the archives and public property in the hands of all such officers, the communication of information, and the procurement and transmission of the products of the arts, sciences, manufactures, agriculture, and commerce, from time to time, as he may think conducive to the public interest. It shall be the duty of all such officers to conform to such regulations, orders, and instructions.

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## TITLE XIX.

(Sec. 1753-1790.)

### PROVISIONS APPLICABLE TO SEVERAL CLASSES OF OFFICERS.

**848. SEC. 1757.** Whenever any person who is not rendered ineligible to office by the provisions of the fourteenth amendment to the Constitution is elected or appointed to any office of honor or trust under the Government of the United States, and is not able, on account of his participation in the late rebellion, to take the oath prescribed in the preceding section, he shall, before entering upon the duties of his office, take and subscribe in lieu of that oath the following oath: "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

**849. SEC. 1758.** The oath of office required by either of the two preceding sections may be taken before any officer who is authorized either by the laws of the United States, or by the local municipal law, to administer oaths, in the State, Territory, or District where such oath may be administered. [See § 2617.]

**850. SEC. 1759.** The oath of office taken by any person pursuant to the requirements of section seventeen hundred and fifty-six, or of section seventeen hundred and fifty-seven, shall be delivered in by him to be preserved among the files of the House of Congress, Department, or

court to which the office in respect to which the oath is made may appertain.

**851. SEC. 1766.** No money shall be paid to any person for his compensation who is in arrears to the United States, until he has accounted for and paid into the Treasury all sums for which he may be liable. In all cases where the pay or salary of any person is withheld in pursuance of this section, the accounting officers of the Treasury, if required to do so by the party, his agent or attorney, shall report forthwith to the Solicitor of the Treasury the balance due; and the Solicitor shall, within sixty days thereafter, order suit to be commenced against such delinquent and his sureties.

**852. SEC. 1777.** The various officers of the United States, to whom, in virtue of their offices and for the uses thereof, copies of the United States Statutes at Large, published by Little, Brown and Company, have been or may be distributed at the public expense, by authority of law, shall preserve such copies, and deliver them to their successors respectively as a part of the property appertaining to the office. A printed copy of this section shall be inserted in each volume of the Statutes distributed to any such officers.

**CHAP. 275.**—An act making appropriations for the consular and diplomatic service of the Government for the year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes.

**853. [Par. 2.]** The bonds which consular officers who are not compensated by salaries are required by the thirteenth section of the act of August eighteenth, eighteen hundred and fifty-six,<sup>1</sup> to enter into, shall hereafter be made with such sureties as the Secretary of State shall approve.

**854. SEC. 3.** That the President shall be, and is hereby, authorized to appoint interpreters to the consulates at Shanghai, Tien Tsin, Fowchow, and Kanagawa, and to allow them salaries not to exceed, in either case, the rate of two thousand dollars a year;

And to appoint interpreters to the consulates at Hankow, Amoy, Canton, and Hong-Kong, and to allow them salaries not to exceed, in either case, the rate of seven hundred and fifty dollars a year;

And also to allow, at his discretion, a sum not exceeding the rate of five hundred dollars for any one year to any one consulate in China or

<sup>1</sup> The provisions here referred to of the act of 1856, ch. 127 (11 Stat. L., 52), are incorporated into Revised Statutes in section 1697.

Japan, respectively, not herein named, for expenses of interpretation; and that section six of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August eighteenth, eighteen hundred and fifty-six, is hereby repealed.<sup>1</sup>

**855. SEC. 4.** That the Secretary of State shall, as soon as practicable, establish and determine the maximum amount of time actually necessary to make the transit between each diplomatic and consular post and the city of Washington, and vice versa, and shall make the same public. He may also, from time to time, revise his decision in this respect; but in each case the decision is to be in like manner made public.

And the allowance for time actually and necessarily occupied by each diplomatic and consular officer who may be entitled to such allowance shall in no case exceed that for the time thus established and determined, with the addition of the time usually occupied by the shortest and most direct mode of conveyance from Washington to the place of residence in the United States of such officer.

**856. SEC. 5.** That from and after the first day of July next, the annual salary of consular clerks who shall have remained continuously in service as such for the period of five years and upward shall be one thousand two hundred dollars.

**857. SEC. 6.<sup>2</sup>** That any vice-consul who may be temporarily acting as consul during the absence of such consul may receive compensation, notwithstanding that he is not a citizen of the United States. \* \*

[June 11, 1874.]

CHAP. 294.—An act relating to ambassadors, consuls and other officers.

**858. *Be it enacted, &c.,*** That no Ambassador, Envoy Extraordinary, Minister Plenipotentiary, Minister Resident, Commissioner to any foreign country, chargé d'affaires, Secretary of Legation, Assistant Secretary of Legation, Interpreter to any legation in any foreign country, Consul General, Consul, Commercial Agent, consular pupils, or consular agent shall be absent from his post or the performance of his duties for a longer period than ten days at any one time, without the

<sup>1</sup> Section 6 of the act of 1856, ch. 127 (11 Stat. L., 55), here repealed, forms § 1692 of the Revised Statutes, which therefore seems to be superseded or repealed by the provisions of this act.

<sup>2</sup> The provision of this section seems to have reference to that part of section 21 of the act of 1856, ch. 127 (11 Stat. L., 60), which provided that compensation to officers mentioned in Schedules B and C should not apply to the payment of any such officer who shall not be a citizen of the United States, but which was omitted from the Revised Statutes as the section was incorporated therein in section 1744.

permission previously obtained of the President. And no compensation shall be allowed for the time of any such absence in any case except in cases of sickness;

Nor shall any diplomatic or consular officer correspond in regard to the public affairs of any foreign government with any private person, newspaper, or other periodical, or otherwise than with the proper officers of the United States;

Nor without the consent of the Secretary of State previously obtained, recommend any person at home or abroad for any employment of trust or profit under the Government of the country in which he is located;

Nor ask or accept, for himself or any other person, any present, emolument, pecuniary favor, office, or title of any kind from any such government. [June 17, 1874.]

CHAP. 157.—An act to abolish the consulate at Amoor River and establish a consulate at Vladivostock, Russia, and for other purposes.

859. *Be it enacted, &c.* \* \* \* And that the consul at Vladivostock and the consuls at Fayal and Auckland be, and they severally hereby are, exempted from the prohibition to engage in business and trade embraced in sections one thousand six hundred and ninety-nine and one thousand and seven hundred of the Revised Statutes of the United States. [March 3, 1875.]

CHAP. 28.—An act making appropriations for the consular and diplomatic service of the government for the year ending June thirtieth, eighteen hundred and eighty, and for other purposes.

860. *Be it enacted, &c.* \* \* \* [Par. 1.] And it shall be the duty of consuls to make to the Secretary of State a quarterly statement of exports from, and imports to, the different places to which they are accredited, giving, as near as may be, the market price of the various articles of exports and imports, the duty and port charges, if any, on articles imported and exported, together with such general information as they may be able to obtain as to how, where, and through what channels a market may be opened for American products and manufactures.

In addition to the duties now imposed by law, it shall be the duty of consuls and commercial agents of the United States, annually, to procure and transmit to the Department of State, as far as practicable, information respecting the rate of wages paid for skilled and unskilled labor within their respective jurisdictions. \* \* \*

CHAP. 46.—An act amending the Revised Statutes of the United States in respect of official oaths, and for other purposes.

**861. SEC. 2.** That section seventeen hundred and fifty-six of the Revised Statutes be, and the same is hereby, repealed;

And hereafter the oath to be taken by any person elected or appointed to any office of honor or profit either in the civil, military, or naval service, except the President of the United States, shall be as prescribed in section seventeen hundred and fifty-seven of the Revised Statutes.

But this repeal shall not affect the oaths prescribed by existing statutes in relation to the performance of duties in special or particular subordinate offices and employments.

Deficiency appropriation act approved July 7, 1884, 23 Stat., 236.

**862. *Be it enacted, &c.*** \* \* \* [Par. 1.] And hereafter it shall not be lawful for any consular officer to appropriate to his own use or expend from the amount received from the fees of his office any sum in excess of the allowance of salary and fees directly authorized by law, and consular officers paid exclusively by fees and consuls paid in part by salary and in part by fees, shall only appropriate to their own use or expend such portion of the fees as is authorized by law. \* \* \*

CHAP. 150.—An act making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-six, and for other purposes.

**863. [Par. 4.]** And hereafter no consul or consul-general shall be entitled to or allowed any part of any salary appropriated for payment of a secretary or second secretary of legation or interpreter. \* \* \* [February 25, 1885.]

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## TITLE XXV.

### CITIZENSHIP.

**864. SEC. 1992.** All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States.

**865. SEC. 1993.** All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.

866. SEC. 1994. Any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen.

867. SEC. 1995. All persons born in the district of country formerly known as the Territory of Oregon, and subject to the jurisdiction of the United States on the 18th May, 1872, are citizens in the same manner as if born elsewhere in the United States.

868. SEC. 1996. All persons who deserted the military or naval service of the United States and did not return thereto or report themselves to a provost-marshal within sixty days after the issuance of the proclamation by the President, dated the 11th day of March, 1865, are deemed to have voluntarily relinquished and forfeited their rights of citizenship, as well as their right to become citizens; and such deserters shall be forever incapable of holding any office of trust or profit under the United States, or of exercising any rights of citizens thereof.<sup>1</sup>

869. SEC. 1997. No soldier or sailor, however, who faithfully served according to his enlistment until the 19th day of April, 1865, and who, without proper authority or leave first obtained, quit his command or refused to serve after that date, shall be held to be a deserter from the Army or Navy; but this section shall be construed solely as a removal of any disability such soldier or sailor may have incurred, under the preceding section, by the loss of citizenship and of the right to hold office, in consequence of his desertion.

870. SEC. 1998. Every person who hereafter deserts the military or naval service of the United States, or who, being duly enrolled, departs the jurisdiction of the district in which he is enrolled, or goes beyond the limits of the United States, with intent to avoid any draft into the military or naval service, lawfully ordered, shall be liable to all the penalties and forfeitures of section nineteen hundred and ninety-six.

871. SEC. 1999. Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this Government has freely received emigrants from all nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace

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<sup>1</sup> The act of March 2, 1889 (25 Stat., 869), as amended by act of March 2, 1891 (26 Stat., 824), authorizes the Secretary of War to remove the charge of desertion in certain specified cases.

that this claim of foreign allegiance should be promptly and finally disavowed: Therefore any declaration, instruction, opinion, order, or decision of any officer of the United States which denies, restricts, impairs, or questions the right of expatriation, is declared inconsistent with the fundamental principles of the Republic.

**872. SEC. 2000.** All naturalized citizens of the United States, while in foreign countries, are entitled to and shall receive from this Government the same protection of persons and property which is accorded to native-born citizens.

**873. SEC. 2001.** Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress.

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## T I T L E   X X X .

### N A T U R A L I Z A T I O N .

**874. SEC. 2165.** An alien may be admitted to become a citizen of the United States in the following manner, and not otherwise:

First. He shall declare on oath, before a circuit or district court of the United States, or a district or supreme court of the Territories, or a court of record of any of the States having common-law jurisdiction, and a seal and clerk, two years, at least, prior to his admission, that it is bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and, particularly, by name, to the prince, potentate, state, or sovereignty of which the alien may be at the time a citizen or subject.

Second. He shall, at the time of his application to be admitted, declare, on oath, before some one of the courts above specified, that he will support the Constitution of the United States, and that he absolutely and



entirely renounces and abjures all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty; and, particularly, by name, to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; which proceedings shall be recorded by the clerk of the court.

Third. It shall be made to appear to the satisfaction of the court admitting such alien that he has resided within the United States five years at least, and within the State or Territory where such court is at the time held, one year at least; and that during that time he has behaved as a man of a good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; but the oath of the applicant shall in no case be allowed to prove his residence.

Fourth. In case the alien applying to be admitted to citizenship has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

Fifth. Any alien who was residing within the limits and under the jurisdiction of the United States before the twenty-ninth day of January, one thousand seven hundred and ninety-five, may be admitted to become a citizen, on due proof made to some one of the courts above specified, that he has resided two years, at least, within the jurisdiction of the United States, and one year, at least, immediately preceding his application, within the State or Territory where such court is at the time held; and on his declaring on oath that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and, particularly, by name, to the prince, potentate, state, or sovereignty whereof he was before a citizen or subject; and, also, on its appearing to the satisfaction of the court, that during such term of two years he has behaved as a man of good moral character, attached to the Constitution of the United States, and well disposed to the good order and happiness of the same; and where the alien, applying for admission to citizenship, has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, on his, moreover, making in the court an express renunciation of his title or order of nobility. All of the proceedings, required in this condition to be performed in the court, shall be recorded by the clerk thereof.

Sixth. Any alien who was residing within the limits and under the jurisdiction of the United States, between the eighteenth day of June, one thousand seven hundred and ninety-eight, and the eighteenth day of June, one thousand eight hundred and twelve, and who has continued to reside within the same, may be admitted to become a citizen of the United States without having made any previous declaration of his intention to become such; but whenever any person, without a certificate of such declaration of intention, makes application to be admitted a citizen, it must be proved to the satisfaction of the court, that the applicant was residing within the limits and under the jurisdiction of the United States before the eighteenth day of June, one thousand eight hundred and twelve, and has continued to reside within the same; and the residence of the applicant within the limits and under the jurisdiction of the United States, for at least five years immediately preceding the time of such application, must be proved by the oath of citizens of the United States, which citizens shall be named in the record as witnesses; and such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place where the applicant has resided for at least five years, shall be stated and set forth, together with the names of such citizens, in the record of the court admitting the applicant; otherwise the same shall not entitle him to be considered and deemed a citizen of the United States. [Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the declaration of intention to become a citizen of the United States, required by section two thousand one hundred and sixty five of the Revised Statutes of the United States, may be made by an alien before the clerk of any of the courts named in said section two thousand one hundred and sixty five; and all such declarations heretofore made before any such clerk are hereby declared as legal and valid as if made before one of the courts named in said section.]

875. SEC. 2166. Any alien, of the age of twenty-one years and upward, who has enlisted, or may enlist, in the armies of the United States, either the regular or the volunteer forces, and has been, or may be hereafter, honorably discharged, shall be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become such; and he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and the court admitting such alien shall, in

addition to such proof of residence and good moral character, as now provided by law, be satisfied by competent proof of such person's having been honorably discharged from the service of the United States.

**876. SEC. 2167.** Any alien, being under the age of twenty-one years, who has resided in the United States three years next preceding his arriving at that age, and who has continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of twenty-one years, and after he has resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States, without having made the declaration required in the first condition of section twenty-one hundred and sixty-five; but such alien shall make the declaration required therein at the time of his admission; and shall further declare, on oath, and prove to the satisfaction of the court, that, for two years next preceding, it has been his bona-fide intention to become a citizen of the United States; and he shall in all other respects comply with the laws in regard to naturalization.

**877. SEC. 2168.** When any alien, who has complied with the first condition specified in section twenty-one hundred and sixty-five, dies before he is actually naturalized, the widow and the children of such alien shall be considered as citizens of the United States, and shall be entitled to all rights and privileges as such, upon taking the oaths proscribed <sup>(1)</sup> by law.

**878. SEC. 2169.** The provisions of this Title shall apply to aliens [being free white persons, and to aliens] of African nativity and to persons of African descent.

**879. SEC. 2170.** No alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States.

**880. SEC. 2171.** No alien who is a native citizen or subject, or a denizen of any country, state, or sovereignty with which the United States are at war, at the time of his application, shall be then admitted to become a citizen of the United States; but persons resident within the United States, or the Territories thereof, on the eighteenth day of June, in the year one thousand eight hundred and twelve, who had before that day made a declaration, according to law, of their intention to become citizens of the United States, or who were on that day entitled

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<sup>(1)</sup> Error in the Roll; should be *prescribed*.

to become citizens without making such declaration, may be admitted to become citizens thereof, notwithstanding they were alien enemies at the time and in the manner prescribed by the laws heretofore passed on that subject; nor shall anything herein contained be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien.

**881. SEC. 2172:** The children of persons who have been duly naturalized under any law of the United States, or who, previous to the passing of any law on that subject, by the Government of the United States, may have become citizens of any one of the States, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof; and the children of persons who now are, or have been, citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens thereof; but no person heretofore proscribed by any State, or who has been legally convicted of having joined the army of Great Britain during the Revolutionary War, shall be admitted to become a citizen without the consent of the legislature of the State in which such person was proscribed.

**882. SEC. 2173.** The police court of the District of Columbia shall have no power to naturalize foreigners.

**883. SEC. 2174.** Every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant-vessel of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of discharge and good conduct during that time, together with the certificate of his declaration of intention to become a citizen, be admitted a citizen of the United States; and every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant-vessel of the United States, anything to the contrary in any act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen.

CHAP. 119.—An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes.

884. SEC. 6. \* \* \* And every Indian born within the territorial limits of the United States to whom allotments shall have been made under the provisions of this act, or under any law or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property. \* \* \*

CHAP. 818.—An act in relation to marriage between white men and Indian women.

885. SEC. 2. That every Indian woman, member of any such tribe of Indians, who may hereafter be married to any citizen of the United States, is hereby declared to become by such marriage a citizen of the United States, with all the rights, privileges, and immunities of any such citizen, being a married woman:

*Provided*, That nothing in this act contained shall impair or in any way affect the right or title of such married woman to any tribal property or any interest therein.

886. SEC. 3. That whenever the marriage of any white man with any Indian woman, a member of any such tribe of Indians, is required or offered to be proved in any judicial proceeding, evidence of the admission of such fact by the party against whom the proceeding is had, or evidence of general repute, or of cohabitation as married persons, or any other circumstantial or presumptive evidence from which the fact may be inferred, shall be competent. [August 9, 1888.]

CHAP. 182.—An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States Court in the Indian Territory, and for other purposes.

887. SEC. 43. That any member of any Indian tribe or nation residing in the Indian Territory may apply to the United States court therein to become a citizen of the United States, and such court shall have jurisdiction thereof and shall hear and determine such application as provided in the statutes of the United States; \* \* \*

CHAP. 165.—An act making appropriations for the Naval Service for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes.

888. Any alien of the age of twenty-one years and upward who has enlisted or may enlist in the United States Navy or Marine Corps, and has served or may hereafter serve five consecutive years in the United States Navy or one enlistment in the United States Marine Corps, and has been or may hereafter be honorably discharged, shall be admitted to become a citizen of the United States upon his petition, without any previous declaration of his intention to become such; and the court admitting such alien shall, in addition to proof of good moral character, be satisfied by competent proof of such person's service in an honorable discharge from the United States Navy or Marine Corps:

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## TITLE XXIX.

### IMMIGRATION.

889. SEC. 2158. No citizen of the United States, or foreigner coming into or residing within the same, shall, for himself or for any other person, either as master, factor, owner, or otherwise, build, equip, load, or otherwise prepare, any vessel, registered, enrolled, or licensed, in the United States, for the purpose of procuring from any port or place the subjects of China, Japan, or of any other oriental country, known as "coolies," to be transported to any foreign port, or place, to be disposed of, or sold, or transferred, for any time, as servants or apprentices, or to be held to service or labor.

890. SEC. 2159. If any vessel, belonging in whole or in part to a citizen of the United States, and registered, enrolled, or otherwise licensed therein, be employed in the "cooly-trade," so called, contrary to the provisions of the preceding section, such vessel, her tackle, apparel, furniture, and other appurtenances, shall be forfeited to the United States, and shall be liable to be seized, prosecuted, and condemned in any of the circuit courts or district courts of the United States for the district where the vessel may be found, seized, or carried.

891. SEC. 2160. Every person who so builds, fits out, equips, loads, or otherwise prepares, or who sends to sea, or navigates, as owner, master, factor, agent, or otherwise, any vessel, belonging in whole or in part to a citizen of the United States, or registered, enrolled, or licensed within the same, knowing or intending that such vessel is to be or may be

employed in that trade, contrary to the provisions of section twenty-one hundred and fifty-eight, shall be liable to a fine not exceeding two thousand dollars, and be imprisoned not exceeding one year.

892. SEC. 2161. Every citizen of the United States who, contrary to the provisions of section twenty-one hundred and fifty-eight, takes on board of any vessel, or receives or transports any such subjects as are described in that section, for the purpose of disposing of them in any way as therein prohibited, shall be liable to a fine not exceeding two thousand dollars and be imprisoned not exceeding one year.

893. SEC. 2162. Nothing herein contained shall be deemed to apply to any voluntary emigration of the subjects specified in section twenty-one hundred and fifty-eight, or to any vessel carrying such person as passenger on board the same, but a certificate shall be prepared and signed by the consul or consular agent of the United States residing at the port from which such vessel may take her departure, containing the name of such person, and setting forth the fact of his voluntary emigration from such port, which certificate shall be given to the master of such vessel; and the same shall not be given until such consul or consular agent is first personally satisfied by evidence of the truth of the facts therein contained.

894. SEC. 2163. The President is empowered, in such way and at such time as he may judge proper, to direct the vessels of the United States, and the masters and commanders thereof, to examine all vessels navigated or owned in whole or in part by citizens of the United States, and registered, enrolled, or licensed under the laws thereof, whenever in the judgment of such master or commanding officer, reasonable cause exists to believe that such vessel has on board any subjects of China, Japan, or other oriental country, known as "coolies;" and, upon sufficient proof that such vessel is employed in violation of the preceding provisions, to cause her to be carried, with her officers and crew, into any port or district within the United States, and delivered to the marshal of such district, to be held and disposed of according to law.

895. SEC. 2164. No tax or charge shall be imposed or enforced by any State upon any person immigrating thereto from a foreign country, which is not equally imposed and enforced upon every person immigrating to such State from any other foreign country.

CHAP. 141.—An act supplementary to the acts in relation to immigration.

896. *Be it enacted, &c.*, That in determining whether the immigration of any subject of China, Japan, or any Oriental country, to the United

States, is free and voluntary, as provided by section two thousand one hundred and sixty-two of the Revised Code, title "Immigration," it shall be the duty of the consul-general or consul of the United States residing at the port from which it is proposed to convey such subjects, in any vessels enrolled or licensed in the United States, or any port within the same, before delivering to the masters of any such vessels the permit or certificate provided for in such section, to ascertain whether such immigrant has entered into a contract or agreement for a term of service within the United States, for lewd and immoral purposes; and if there be such contract or agreement, the said consul-general or consul shall not deliver the required permit or certificate.

**897. SEC. 2.** That if any citizen of the United States, or other person amenable to the laws of the United States, shall take, or cause to be taken or transported, to or from the United States any subject of China, Japan, or any Oriental country, without their free and voluntary consent, for the purpose of holding them to a term of service, such citizen or other person shall be liable to be indicted therefor, and, on conviction of such offense, shall be punished by a fine not exceeding two thousand dollars and be imprisoned not exceeding one year;

And all contracts and agreements for a term of service of such persons in the United States, whether made in advance or in pursuance of such illegal importation, and whether such importation shall have been in American or other vessels, are hereby declared void.

**898. SEC. 3.** That the importation into the United States of women for the purposes of prostitution is hereby forbidden; and all contracts and agreements in relation thereto, made in advance or in pursuance of such illegal importation and purposes, are hereby declared void; and whoever shall knowingly and willfully import, or cause any importation of, women into the United States for the purposes of prostitution, or shall knowingly or willfully hold, or attempt to hold, any woman to such purposes, in pursuance of such illegal importation and contract or agreement, shall be deemed guilty of a felony, and, on conviction thereof, shall be imprisoned not exceeding five years and pay a fine not exceeding five thousand dollars.

**899. SEC. 4.** That if any person shall knowingly and willfully contract, or attempt to contract, in advance or in pursuance of such illegal importation, to supply to another the labor of cooly or other person brought into the United States in violation of section two thousand one hundred and fifty-eight of the Revised Statutes, or of any other section of the laws prohibiting the cooly-trade or of this act, such person shall be



deemed guilty of a felony, and, upon conviction thereof, in any United States court, shall be fined in a sum not exceeding five hundred dollars and imprisoned for a term not exceeding one year.

900. SEC. 5. That it shall be unlawful for aliens of the following classes to immigrate into the United States, namely, persons who are undergoing a sentence for conviction in their own country of felonious crimes other than political or growing out of or the result of such political offenses, or whose sentence has been remitted on condition of their emigration, and women "imported for the purposes of prostitution."

Every vessel arriving in the United States may be inspected under the direction of the collector of the port at which it arrives, if he shall have reason to believe that any such obnoxious persons are on board; and the officer making such inspection shall certify the result thereof to the master or other person in charge of such vessel, designating in such certificate the person or persons, if any there be, ascertained by him to be of either of the classes whose importation is hereby forbidden.

When such inspection is required by the collector as aforesaid, it shall be unlawful, without his permission, for any alien to leave any such vessel arriving in the United States from a foreign country until the inspection shall have been had and the result certified as herein provided;

And at no time thereafter shall any alien certified to by the inspecting officer as being of either of the classes whose immigration is forbidden by this section, be allowed to land in the United States, except in obedience to a judicial process issued pursuant to law.

If any person shall feel aggrieved by the certificate of such inspecting officer stating him or her to be within either of the classes whose immigration is forbidden by this section, and shall apply for release or other remedy to any proper court or judge, then it shall be the duty of the collector at said port of entry to detain said vessel until a hearing and determination of the matter are had, to the end that if the said inspector<sup>1</sup> shall be found to be in accordance with this section and sustained, the obnoxious person or persons shall be returned on board of said vessel, and shall not thereafter be permitted to land, unless the master, owner, or consignee of the vessel shall give bond and security, to be approved by the court or judge hearing the cause, in the sum of five hundred dollars for each such person permitted to land, conditioned for the return of such person, within six months from the date thereof, to the country whence his or her emigration shall have taken place, or unless the vessel

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<sup>1</sup> This word is so written on the roll.

bringing such obnoxious person or persons shall be forfeited, in which event the proceeds of such forfeiture shall be paid over to the collector of the port of arrival, and applied by him, as far as necessary, to the return of such person or persons to his or her own country within the said period of six months.

And for all violations of this act, the vessel, by the acts, omissions, or connivance of the owners, master, or other custodian, or the consignees of which the same are committed, shall be liable to forfeiture, and may be proceeded against as in cases of frauds against the revenue laws, for which forfeiture is prescribed by existing law. [March 3, 1875.]

CHAP. 376.—An act to regulate Immigration.

901. *Be it enacted, &c.*, That there shall be levied, collected, and paid a duty of fifty cents for each and every passenger not a citizen of the United States who shall come by steam or sail vessel from a foreign port to any port within the United States.

The said duty shall be paid to the collector of customs of the port to which such passenger shall come, or if there be no collector at such port, then to the collector of customs nearest thereto, by the master, owner, agent, or consignee of every such vessel, within twenty-four hours after the entry thereof into such port.

The money thus collected shall be paid into the United States Treasury, and shall constitute a fund to be called the immigrant fund, and shall be used, under the direction of the Secretary of the Treasury, to defray the expense of regulating immigration under this act, and for the care of immigrants arriving in the United States, for the relief of such as are in distress, and for the general purposes and expenses of carrying this act into effect.

The duty imposed by this section shall be a lien upon the vessels which shall bring such passengers into the United States, and shall be a debt in favor of the United States against the owner or owners of such vessels; and the payment of such duty may be enforced by any legal or equitable remedy.

*Provided*, That no greater sum shall be expended for the purposes hereinbefore mentioned, at any port, than shall have been collected at such port.

902. SEC. 2. That the Secretary of the Treasury is hereby charged with the duty of executing the provisions of this act and with supervision over the business of immigration to the United States, and for that purpose he shall have power to enter into contracts with such State commission, board, or officers as may be designated for that purpose by the

governor of any State to take charge of the local affairs of immigration in the ports within said State, and to provide for the support and relief of such immigrants therein landing as may fall into distress or need public aid, under the rules and regulations to be prescribed by said Secretary;

And it shall be the duty of such State commission, board, or officers so designated to examine into the condition of passengers arriving at the ports within such State in any ship or vessel, and for that purpose all or any of such commissioners or officers, or such other person or persons as they shall appoint, shall be authorized to go on board of and through any such ship or vessel;

And if on such examination there shall be found among such passengers any convict, lunatic, idiot, or any person unable to take care of himself or herself without becoming a public charge, they shall report the same in writing to the collector of such port and such persons shall not be permitted to land.

903. SEC. 3. That the Secretary of the Treasury shall establish such regulations and rules and issue from time to time such instructions not inconsistent with law as he shall deem best calculated to protect the United States and immigrants into the United States from fraud and loss, and for carrying out the provisions of this act and the immigration laws of the United States; and he shall prescribe all forms of bonds, entries, and other papers to be used under and in the enforcement of the various provisions of this act.

904. SEC. 4. That all foreign convicts except those convicted of political offenses, upon arrival, shall be sent back to the nations to which they belong and from whence they came.

The Secretary of the Treasury may designate the State board of charities of any State in which such board shall exist by law, or any commission in any State, or any person or persons in any State whose duty it shall be to execute the provisions of this section without compensation.

The Secretary of the Treasury shall prescribe regulations for the return of the aforesaid persons to the countries from whence they came, and shall furnish instructions to the board, commission, or persons charged with the execution of the provisions of this section as to the mode of procedure in respect thereto, and may change such instructions from time to time.

The expense of such return of the aforesaid persons not permitted to land shall be borne by the owners of the vessels in which they came.

905. SEC. 5. That this act shall take effect immediately. [Aug. 3, 1882.]

AN ACT to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade and for other purposes, approved June 26, 1884.

**906. SEC. 22.** That until the provisions of section one, chapter three hundred and seventy-six, of the laws of eighteen hundred and eighty-two, shall be made applicable to passengers coming into the United States by land carriage, said provisions shall not apply to passengers coming by vessels employed exclusively in the trade between the ports of the United States and the ports of the Dominion of Canada or the ports of Mexico.

**CHAP. 164.**—An act to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

**907. *Be it enacted, &c.,*** That from and after the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation, or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, parol or special, express or implied, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.

**908. SEC. 2.** That all contracts or agreements, express or implied, parol or special, which may hereafter be made by and between any person, company, partnership, or corporation, and any foreigner or foreigners, alien or aliens, to perform labor or service or having reference to the performance of labor or service by any person in the United States, its Territories, or the District of Columbia previous to the migration or importation of the person or persons whose labor or service is contracted for into the United States, shall be utterly void and of no effect.

**909. SEC. 3.** That for every violation of any of the provisions of section one of this act the person, partnership, company, or corporation violating the same, by knowingly assisting, encouraging or soliciting the migration or importation of any alien or aliens, foreigner or foreigners, into the United States, its Territories, or the District of Columbia, to perform labor or service of any kind under contract or agreement, express or implied, parol or special, with such alien or aliens, foreigner or foreigners, previous to becoming residents or citizens of the United States, shall forfeit and pay for every such offence the sum of one thou-

sand dollars, which may be sued for and recovered by the United States or by any person who shall first bring his action therefor including any such alien or foreigner who may be a party to any such contract or agreement, as debts of like amount are now recovered in the circuit courts of the United States; the proceeds to be paid into the Treasury of the United States; and separate suits may be brought for each alien or foreigner being a party to such contract or agreement aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit at the expense of the United States.

910. SEC. 4. That the master of any vessel who shall knowingly bring within the United States on any such vessel, and land, or permit to be landed, from any foreign port or place, any alien laborer, mechanic, or artisan who, previous to embarkation on such vessel, had entered into contract or agreement, parol or special, express or implied, to perform labor or service in the United States, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not more than five hundred dollars for each and every such alien laborer, mechanic or artisan so brought as aforesaid, and may also be imprisoned for a term not exceeding six months.

911. SEC. 5. That nothing in this act shall be so construed as to prevent any citizen or subject of any foreign country temporarily residing in the United States, either in private or official capacity, from engaging, under contract or otherwise, persons not residents or citizens of the United States to act as private secretaries, servants, or domestics for such foreigner temporarily residing in the United States as aforesaid;

Nor shall this act be so construed as to prevent any person, or persons, partnership, or corporation from engaging, under contract or agreement, skilled workman in foreign countries to perform labor in the United States in or upon any new industry not at present established in the United States:

*Provided*, That skilled labor for that purpose can not be otherwise obtained; nor shall the provisions of this act apply to professional actors, artists, lecturers, or singers, nor to persons employed strictly as personal or domestic servants:

*Provided*, That nothing in this act shall be construed as prohibiting any individual from assisting any member of his family or any relative or personal friend, to migrate from any foreign country to the United States, for the purpose of settlement here.

912. SEC. 6. That all laws or parts of laws conflicting herewith be, and the same are hereby, repealed. [February 26, 1885.]

CHAP. 220.—An act to amend an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

913. *Be it enacted, &c.*, That an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia, approved February twenty-sixth, eighteen hundred and eighty-five, and to provide for the enforcement thereof, be amended by adding the following:

914. SEC. 6. That the Secretary of the Treasury is hereby charged with the duty of executing the provisions of this act, and for that purpose he shall have power to enter into contracts with such State Commission, board, or officers as may be designated for that purpose by the Governor of any State to take charge of the local affairs of immigration in the ports within said State, under the rules and regulations to be prescribed by said Secretary;

And it shall be the duty of such State Commission, board, or officers so designated to examine into the condition of passengers arriving at the ports within such State in any ship or vessel, and for that purpose all or any of such commissioners or officers, or such other person or persons as they shall appoint, shall be authorized to go on board of and through any such ship or vessel;

And if in such examination there shall be found among such passengers any person included in the prohibition in this act, they shall report the same in writing to the collector of such port, and such persons shall not be permitted to land.

915. SEC. 7. That the Secretary of the Treasury shall establish such regulations and rules, and issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act; and he shall prescribe all forms of bonds, entries, and other papers to be used under and in the enforcement of the various provisions of this act.

916. SEC. 8. That all persons included in the prohibition in this act, upon arrival, shall be sent back to the nations to which they belong and from whence they came. The Secretary of the Treasury may designate the State board of charities of any State in which such board shall exist by law, or any commission in any State, or any person or persons in any State, whose duty it shall be to execute the provisions of this section and shall be entitled to reasonable compensation therefor to be fixed by regulation prescribed by the Secretary of the Treasury.

The Secretary of the Treasury shall prescribe regulations for the return

of the aforesaid persons to the countries from whence they came, and shall furnish instructions to the board, commission, or persons charged with the execution of the provisions of this section as to the time of procedure in respect thereto, and may change such instructions from time to time. The expense of such return of the aforesaid persons not permitted to land shall be borne by the owners of the vessels in which they came.

And any vessel refusing to pay such expenses shall not thereafter be permitted to land at or clear from any port of the United States. And such expenses shall be a lien on said vessel. \* \* \* [*Part omitted makes appropriation.*] \* \* \*

917. "SEC. 9. That all acts and parts of acts inconsistent with this act are hereby repealed.

918. "SEC. 10. That this act shall take effect at the expiration of thirty days after its passage. [*February 23, 1887.*]

AMENDMENT TO THE ALIEN CONTRACT-LABOR LAW CONTAINED IN THE DEFICIENCY BILL APPROVED OCTOBER 19, 1888 (25 STAT. L., 565).

919. That the act approved February twenty-third, eighteen hundred and eighty-seven, entitled "An act to amend an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia," be, and the same is hereby, so amended as to authorize the Secretary of the Treasury, in case that he shall be satisfied that an immigrant has been allowed to land contrary to the prohibition of that law, to cause such immigrant, within the period of one year after landing or entry, to be taken into custody and returned to the country from whence he came, at the expense of the owner of the importing vessel; or, if he entered from an adjoining country, at the expense of the person previously contracting for the services.

CHAP. 551.—An act in amendment to the various acts relative to immigration and the importation of aliens under contract or agreement to perform labor.

920. *Be it enacted, &c.*, That the following classes of aliens shall be excluded from admission <sup>(1)</sup> into the United States, in accordance with

(1) By 1875, March 3, ch. 141, §§ 3, 5, immigration is forbidden of persons undergoing sentence for felony (other than political crimes), or whose sentence has been remitted on condition of emigration, and of women imported for purposes of prostitution. These persons may be returned on the vessel bringing them. By 1882, Aug. 3, ch. 376, § 4, foreign convicts are to be returned and special provision is made for the execution of the law by the Secretary of the Treasury. By 1885, Feb. 26, ch. 164, § 1, it is

the existing acts regulating immigration, other than those concerning Chinese laborers:

All idiots, insane persons,  
 Paupers or persons likely to become a public charge,  
 Persons suffering from a loathsome or a dangerous contagious disease,  
 Persons who have been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude,  
 Polygamists,

And also any person whose ticket or passage is paid for with the money of another or who is assisted by others to come, unless it is affirmatively and satisfactorily shown on special inquiry that such person does not belong to one of the foregoing excluded classes, or to the class of contract laborers excluded by the act of February twenty-sixth, eighteen hundred and eighty-five,

But this section shall not be held to exclude persons living in the United States from sending for a relative or friend who is not of the excluded classes under such regulations as the Secretary of the Treasury may prescribe:

*Provided*, That nothing in this act shall be construed to apply to or exclude persons convicted of a political offense, notwithstanding said political offense may be designated as a "felony, crime, infamous crime, or misdemeanor, involving moral turpitude" by the laws of the land whence he came or by the court convicting.

921. SEC. 2. That no suit or proceeding for violations of said act of February twenty-sixth, eighteen hundred and eighty-five, prohibiting the importation and migration of foreigners under contract or agreement to perform labor, shall be settled, compromised, or discontinued without the consent of the court entered of record with reasons therefor.

922. SEC. 3. That it shall be deemed a violation of said act of February twenty-sixth, eighteen hundred and eighty-five, to assist or encourage the importation or migration of any alien by promise of employment through advertisements printed and published in any for-

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made unlawful to prepay transportation or to assist or encourage the immigration of aliens to the U. S., and all contracts made for the labor in the U. S. of a prospective immigrant are declared void and (§4) punishment is provided for the master of a vessel bringing such an immigrant and for the immigrant. By 1887, Feb. 23, ch. 220, and 1888, Oct. 19, ch. 1210, par. 1, additional provisions are added to make this law effective. These are all the laws regulating or forbidding immigration, except those relating to the cooly trade (see 1875, March 3, ch. 141, §§ 1, 2, 4), and Chinese in existence prior to the above law of 1891. This adds other classes and makes stringent provisions for its enforcement.



eign country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under a contract as contemplated by such act; and the penalties by said act imposed shall be applicable in such a case:

*Provided* This section shall not apply to States and Immigration Bureaus of States advertising the inducements they offer for immigration to such States.

923. SEC. 4. That no steamship or transportation company or owners of vessels shall directly, or through agents, either by writing, printing, or oral representations, solicit, invite or encourage the immigration of any alien into the United States, except by ordinary commercial letters, circulars, advertisements, or oral representations, stating the sailings of their vessels and the terms and facilities of transportation therein;

And for a violation of this provision any such steamship or transportation company and any such owners of vessels, and the agents by them employed, shall be subjected to the penalties imposed by the third section of said act of February twenty-sixth, eighteen hundred and eighty-five, for violations of the provision of the first section of said act.

924. SEC. 5. That section five of said act of February twenty-sixth, eighteen hundred and eighty-five, shall be, and hereby is, amended by adding to the second proviso in said section the words "nor to ministers of any religious denomination, nor persons belonging to any recognized profession, nor professors for colleges and seminaries," and by excluding from the second proviso of said section the words, "or any relative or personal friend."

925. SEC. 6. That any person who shall bring into or land in the United States by vessel or otherwise, or who shall aid to bring into or land in the United States by vessel or otherwise, any alien not lawfully entitled to enter the United States shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding one thousand dollars or by imprisonment for a term not exceeding one year, or by both fine and imprisonment.

926. SEC. 7. That the office of superintendent of immigration is hereby created and established, and the President, by and with the advice and consent of the Senate, is authorized and directed to appoint such officer, whose salary shall be four thousand dollars per annum, payable monthly.

The superintendent of immigration shall be an officer in the Treasury Department, under the control and supervision of the Secretary of the Treasury, to whom he shall make annual reports in writing of the

transactions of his office, together with such special reports, in writing, as the Secretary of the Treasury shall require.

The Secretary shall provide the superintendent with a suitable furnished office in the city of Washington, and with such books of record and facilities for the discharge of the duties of his office as may be necessary.

He shall have a chief clerk, at a salary of two thousand dollars per annum, and two first-class clerks.

927. SEC. 8. That upon the arrival by water at any place within the United States of any alien immigrants it shall be the duty of the commanding officer and the agents of the steam or sailing vessel by which they came to report the name, nationality, last residence, and destination of every such alien, before any of them are landed, to the proper inspection officers, who shall thereupon go or send competent assistants on board such vessel and there inspect all such aliens, or the inspection officers may order a temporary removal of such aliens for examination at a designated time and place, and then and there detain them until a thorough inspection is made. But such removal shall not be considered a landing during the pendency of such examination.

The medical examination shall be made by surgeons of the Marine Hospital Service. In cases where the services of a Marine Hospital Surgeon can not be obtained without causing unreasonable delay the inspector may cause an alien to be examined by a civil surgeon and the Secretary of the Treasury shall fix the compensation for such examination.

The inspection officers and their assistants shall have power to administer oaths, and to take and consider testimony touching the right of any such aliens to enter the United States, all of which shall be entered of record.

During such inspection after temporary removal the superintendent shall cause such aliens to be properly housed, fed, and cared for, and also, in his discretion, such as are delayed in proceeding to their destination after inspection.

All decisions made by the inspection officers or their assistants touching the right of any alien to land, when adverse to such right, shall be final unless appeal be taken to the superintendent of immigration, whose action shall be subject to review by the Secretary of the Treasury.

It shall be the duty of the aforesaid officers and agents of such vessel to adopt due precautions to prevent the landing of any alien immigrant at any place or time other than that designated by the inspection officers,

and any such officer or agent or person in charge of such vessel who shall either knowingly or negligently land or permit to land any alien immigrant at any place or time other than that designated by the inspection officers, shall be deemed guilty of a misdemeanor and punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment.

That the Secretary of the Treasury may prescribe rules for inspection along the borders of Canada, British Columbia, and Mexico so as not to obstruct or unnecessarily delay, impede, or annoy passengers in ordinary travel between said countries:

*Provided*, That not exceeding one inspector shall be appointed for each customs district, and whose salary shall not exceed twelve hundred dollars per year.

All duties imposed and powers conferred by the second section of the act of August third, eighteen hundred and eighty-two, upon State commissioners, boards, or officers acting under contract with the Secretary of the Treasury shall be performed and exercised, as occasion may arise, by the inspection officers of the United States.

928. SEC. 9. That for the preservation of the peace and in order that arrests may be made for crimes under the laws of the States where the various United States immigrant stations are located, the officials in charge of such stations as occasion may require shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the purposes of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

929. SEC. 10. That all aliens who may unlawfully come to the United States shall, if practicable, be immediately sent back on the vessel by which they were brought in. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessel on which such aliens came;

And if any master, agent, consignee, or owner of such vessel shall refuse to receive back on board the vessel such aliens, or shall neglect to detain them thereon, or shall refuse or neglect to return them to the port from which they came, or to pay the cost of their maintenance while on land, such master, agent, consignee, or owner shall be deemed guilty of a misdemeanor, and shall be punished by a fine not less than three hundred dollars for each and every offense; and any such vessel shall not have clearance from any port of the United States while any such fine is unpaid.

930. SEC. 11. That any alien who shall come into the United States in

violation of law may be returned as by law provided, at any time within one year thereafter, at the expense of the person or persons, vessel, transportation company, or corporation bringing such alien into the United States, and if that can not be done, then at the expense of the United States; and any alien who becomes a public charge within one year after his arrival in the United States from causes existing prior to his landing therein shall be deemed to have come in violation of law and shall be returned as aforesaid.

931. SEC. 12. [*Relates to pending cases.*]

932. SEC. 13. That the circuit and district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this act; and this act shall go into effect on the first day of April, eighteen hundred and ninety-one. [*March 3, 1891.*]

CHAP. 206.—An act to facilitate the enforcement of the immigration and contract-labor laws of the United States.

933. *Be it enacted, &c.*, That, in addition to conforming to all present requirements of law, upon the arrival of any alien immigrants by water at any port within the United States, it shall be the duty of the master or commanding officer of the steamer or sailing vessel having said immigrants on board to deliver to the proper inspector of immigration at the port lists or manifests made at the time and place of embarkation of such alien immigrants on board such steamer or vessel, which shall, in answer to questions at the top of said lists, state as to each immigrant the full name, age, and sex, whether married or single; the calling or occupation; whether able to read or write; the nationality; the last residence; the seaport for landing in the United States; the final destination, if any, beyond the seaport of landing; whether having a ticket through to such final destination; whether the immigrant has paid his own passage or whether it has been paid by other persons or by any corporation, society, municipality, or government; whether in possession of money, and if so, whether upwards of thirty dollars and how much if thirty dollars or less; whether going to join a relative, and if so, what relative and his name and address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or supported by charity; whether a polygamist; whether under contract, express or implied, to perform labor in the United States; and what is the immigrant's condition of health mentally and physically, and whether deformed or crippled, and if so, from what cause.

**934. SEC. 2.** That the immigrants shall be listed in convenient groups and no one list or manifest shall contain more than thirty names.

To each immigrant or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list, and his number on the list, for convenience of identification on arrival.

Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer or of the officer first or second below him in command, taken before the United States consul or consular agent at the port of departure, before the sailing of said vessel, to the effect that he has made a personal examination of each and all of the passengers named therein, and that he has caused the surgeon of said vessel sailing therewith to make a physical examination of each of said passengers, and that from his personal inspection and the report of said surgeon he believes that no one of said passengers is an idiot or insane person, or a pauper or likely to become a public charge, or suffering from a loathsome or dangerous contagious disease, or a person who has been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude, or a polygamist, or under a contract or agreement, express or implied, to perform labor in the United States, and that also, according to the best of his knowledge and belief, the information in said list or manifest concerning each of said passengers named therein is correct and true.

**935. SEC. 3.** That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests before the departure of said vessel, and make oath or affirmation in like manner before said consul or consular agent, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the passengers named therein and that said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said passengers.

If no surgeon sails with any vessel bringing alien immigrants, the mental and physical examinations and the verifications of the lists or manifests may be made by some competent surgeon employed by the owners of the vessel.

**936. SEC. 4.** That in the case of the failure of said master or commanding officer of said vessel to deliver to the said inspector of immigration lists or manifests, verified as aforesaid, containing the information above required as to all alien immigrants on board, there shall be paid to the collector of customs at the port of arrival the sum of ten dollars for each.

immigrant qualified to enter the United States concerning whom the above information is not contained in any list as aforesaid, or said immigrant shall not be permitted so to enter the United States, but shall be returned<sup>1</sup> like other excluded persons.

**937. SEC. 5.** That it shall be the duty of every inspector of arriving alien immigrants to detain for a special inquiry, under section one of the immigration act of March third, eighteen hundred and ninety-one, every person who may not appear to him to be clearly and beyond doubt entitled to admission,

and all special inquiries shall be conducted by not less than four officials acting as inspectors, to be designated in writing by the Secretary of the Treasury or the superintendent of immigration, for conducting special inquiries;

and no immigrant shall be admitted upon special inquiry except after a favorable decisions made by at least three of said inspectors;

and any decision to admit shall be subject to appeal by any dissenting inspector to the superintendent of immigration,

whose action shall be subject to review by the Secretary of the Treasury, as provided in section eight of said immigration act of March third, eighteen hundred and ninety-one.

**938. SEC. 6.** That section<sup>2</sup> five of the act of March third, eighteen hundred and ninety-one, "in amendment of the various acts relative to immigration and the importation of aliens under contract or agreement to perform labor," is hereby amended by striking out the words "second proviso" where they first occur in said section and inserting the words "first proviso" in their place;

and section eight of said act is hereby so amended that the medical examinations of arriving immigrants to be made by surgeons of the Marine-Hospital Service may be made by any regular medical officers of such Marine-Hospital Service detailed therefor by the Secretary of the Treasury;

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<sup>1</sup> The return of excluded persons is governed by 1891, March 3, ch. 551, §§ 10, 11.

<sup>2</sup> The act of 1885, Feb. 23, ch. 164, in § 5, makes exceptions to the exclusion enacted by the prior sections. In its first proviso it excepts professional actors, lecturers, and others. In its second proviso it permits assistance by persons here to members of their families to migrate to the United States. By § 5 of the act of 1891, March 3, ch. 551, amendment was made to § 5 of the act of 1885 for the purpose of excepting "ministers of any religious denomination", "persons belonging to any recognized profession" and "professors for colleges and seminaries", but by error the amendment was made to the second, and not to the first, proviso. The above provision corrects this error.

and civil surgeons shall only be employed temporarily from time to time for specific emergencies.

939. SEC. 7. That no bond or guaranty, written or oral, that an alien immigrant shall not become a public charge shall be received from any person, company, corporation, charitable or benevolent society or association, unless authority to receive the same shall in each special case be given by the Superintendent of Immigration, with the written approval of the Secretary of the Treasury.

940. SEC. 8. That all steamship or transportation companies, and other owners of vessels, regularly engaged in transporting alien immigrants to the United States, shall twice a year file a certificate with the Secretary of the Treasury that they have furnished to be kept conspicuously exposed to view in the office of each of their agents in foreign countries authorized to sell emigrant tickets, a copy of the law of March third, eighteen hundred and ninety-one, and of all subsequent laws of this country relative to immigration, printed in large letters, in the language of the country where the copy of the law is to be exposed to view, and that they have instructed their agents to call the attention thereto of persons contemplating emigration before selling tickets to them;

and in case of the failure for sixty days of any such company or any such owners to file such a certificate, or in case they file a false certificate, they shall pay a fine of not exceeding five hundred dollars, to be recovered in the proper United States court, and said fine shall also be a lien upon any vessel of said company or owners found within the United States.

941. SEC. 9. That after the first day of January, eighteen hundred and ninety-three, all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with the Ellis Island immigrant station, shall be disposed of after public competition, subject to such conditions and limitations as the Secretary of the Treasury may prescribe.

942. SEC. 10. That this act shall not apply to Chinese persons; and shall take effect as to vessels departing from foreign ports for ports within the United States after sixty days from the passage of this act. [*March 3, 1893.*]

AN ACT making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes, approved August 18, 1894, provides:

943. "That the head money from alien passengers on and after the first day of October next, collected under the Act of August third, 17824 C R—25

eighteen hundred and eighty-two, to regulate immigration, shall be one dollar in lieu of the fifty cents as provided in said act. That such head money and all other receipts which shall be collected on and after July first, eighteen hundred and ninety-five, in connection with immigration shall be covered into the Treasury. And that the Commissioners of Immigration at the several ports shall be appointed by the President, by and with the advice and consent of the Senate, to hold their offices for the term of four years, unless sooner removed, and until their successors are appointed; and nominations for such offices shall be made to the Senate by the President as soon as practicable after the passage of this act."

AN ACT making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes, approved March 2, 1895, under the head "Bureau of Immigration," provides:

944. "That the Superintendent of Immigration shall hereafter be designated as Commissioner-General of Immigration, and, in addition to his other duties, shall have charge, under the Secretary of the Treasury, of the administration of the alien contract-labor laws, etc."

CHAP. 126.—An act to execute certain treaty stipulations relating to Chinese.

Whereas, in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof: Therefore,

945. *Be it enacted, &c.* SEC. 1. [For substitute, see par. 949.]

SEC. 2. [For substitute, see par. 950.]

SEC. 3. [For substitute, see par. 951.]

SEC. 4. [For substitute, see pars. 952, 978.]

SEC. 5. [Superseded, see par. 978.]

SEC. 6. [For substitute, see par. 953.]

946. SEC. 7. That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate or forge any such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, shall be deemed guilty of a misdemeanor; and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars, and imprisoned in a penitentiary for a term of not more than five years.

947. SEC. 8. [For substitute, see par. 954.]



SEC. 9. That before any Chinese passengers are landed from any such vessel, the collector, or his deputy, shall proceed to examine such passengers, comparing the certificates with the list and with the passengers; and no passenger shall be allowed to land in the United States from such vessel in violation of law.

SEC. 10. [For substitute, see par. 955.]

SEC. 11. [For substitute, see par. 956.]

SEC. 12. [For substitute, see par. 957.]

SEC. 13. [For substitute, see par. 958.]

948. SEC. 14. That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.

SEC. 15. [For substitute, see par. 959.] [May 6, 1882.]

CHAP. 220.—An act to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese approved May sixth eighteen hundred and eighty-two."

949. *Be it enacted, &c.*, That section one of the act entitled "An act to execute certain treaty stipulations relating to Chinese" approved May sixth eighteen hundred and eighty-two, is hereby amended so as to read as follows:

"Whereas in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof; Therefore

"*Be it enacted, &c.*, That from and after the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended, and during such suspension it shall not be lawful for any Chinese laborer to come from any foreign port or place, or having so come to remain within the United States,"

950. Section two of said act is hereby amended so as to read as follows:

"SEC. 2. That the master of any vessel who shall knowingly bring within the United States on such vessel, and land, or attempt to land, or permit to be landed any Chinese laborer, from any foreign port or place, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than five hundred dollars for each and every such Chinese laborer so brought, and may also be imprisoned for a term not exceeding one year."

951. Section three of said act is hereby amended so as to read as follows:

“SEC. 3. That the two foregoing sections shall not apply to Chinese laborers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of the act to which this act is amendatory, nor shall said sections apply to Chinese laborers, who shall produce to such master before going on board such vessel, and shall produce to the collector of the port in the United States at which such vessel shall arrive, the evidence hereinafter in this act required of his being one of the laborers in this section mentioned;

Nor shall the two foregoing sections apply to the case of any master whose vessel, being bound to a port not within the United States, shall come within the jurisdiction of the United States by reason of being in distress or in stress of weather, or touching at any port of the United States on its voyage to any foreign port or place:

*Provided:* That all Chinese laborers brought on such vessel shall not be permitted to land except in case of absolute necessity, and must depart with the vessel on leaving port.”

952. Section four of said act is hereby amended so as to read as follows:

“SEC. 4. That for the purpose of properly identifying Chinese laborers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of the act to which this act is amendatory, and in order to furnish them with the proper evidence of their right to go from and come to the United States as provided by the said act and the treaty between the United States and China dated November seventeenth, eighteen hundred and eighty, the collector of customs of the district from which any such Chinese laborer shall depart from the United States shall, in person or by deputy, go on board each vessel having on board any such Chinese laborer, and cleared or about to sail from his district for a foreign port,

And on such vessel make a list of all such Chinese laborers, which shall be entered in registry-books, to be kept for that purpose in which shall be stated the individual, family, and tribal name in full, the age, occupation, when and where followed, last place of residence, physical marks or peculiarities, and all facts necessary for the identification of each of such Chinese laborers, which books shall be safely kept in the custom-house;

And evry such Chinese laborer so departing from the United States shall be entitled to and shall receive, free of any charge or cost upon application therefor, from the collector or his deputy, in the name of said collector and attested by said collector's seal of office, at the time such list is taken, a certificate, signed by the collector or his deputy and attested by his seal of office, in such form as the Secretary of the Treasury shall prescribe, which certificate shall contain a statement of the individual, family, and tribal name in full, age, occupation, when and where followed, of the Chinese laborer to whom the certificate is issued, corresponding with the said list and registry in all particulars.

In case any Chinese laborer, after having received such certificate, shall leave such vessel before her departure, he shall deliver his certificate to the master of the vessel; and if such Chinese laborer shall fail to return to such vessel before her departure from port, the certificate shall be delivered by the master to the collector of customs for cancellation.

The certificate herein provided for shall entitle the Chinese laborer to whom the same is issued to return to and re-enter the United States upon producing and delivering the same to the collector of customs of the district at which such Chinese laborer shall seek to re-enter, and said certificate shall be the only evidence permissible to establish his right of re-entry; and upon delivering of such certificate by such Chinese laborer to the collector of customs at the time of re-entry in the United States, said collector shall cause the same to be filed in the custom-house and duly canceled."

953. Section six of said act is hereby amended so as to read as follows:

"SEC. 6. That in order to the faithful execution of the provisions of this act, evry Chinese person, other than a laborer, who may be entitled by said treaty or this act to come within the United States, and who shall be about to come to the United States, shall obtain the permission of and be identified as so entitled by the Chinese Government, or of such other foreign Government of which at the time such Chinese person shall be a subject, in each case to be evidenced by a certificate issued by such Government, which certificate shall be in the English language, and shall show such permission, with the name of the permitted person in his or ~~her~~ proper signature, and which certificate shall state the individual, family, and tribal name in full, title or official rank, if any, the age, height, and all physical peculiarities, former and present occupation or profession, when and where and how long pursued, and place of

residence of the person to whom the certificate is issued, and that such person is entitled by this act to come within the United States.

If the person so applying for a certificate shall be a merchant, said certificate shall, in addition to above requirements, state the nature, character, and estimated value of the business carried on by him prior to and at the time of his application as aforesaid:

*Provided,* That nothing in this act nor in said treaty shall be construed as embracing within the meaning of the word 'merchant,' hucksters, peddlers, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation.

If the certificate be sought for the purpose of travel for curiosity, it shall also state whether the applicant intends to pass through or travel within the United States, together with his financial standing in the country from which such certificate is desired.

The certificate provided for in this act, and the identity of the person named therein shall, before such person goes on board any vessel to proceed to the United States, be vised by the indorsement of the diplomatic representatives of the United States in the foreign country from which said certificate issues, or of the consular representative of the United States at the port or place from which the person named in the certificate is about to depart; and such diplomatic representative or consular representative whose indorsement is so required is hereby empowered, and it shall be his duty, before indorsing such certificate as aforesaid, to examine into the truth of the statements set forth in said certificate, and if he shall find upon examination that said or any of the statements therein contained are untrue it shall be his duty to refuse to indorse the same.

Such certificate vised as aforesaid shall be prima facie evidence of the facts set forth therein, and shall be produced to the collector of customs of the port in the district in the United States at which the person named therein shall arrive, and afterward produced to the proper authorities of the United States whenever lawfully demanded, and shall be the sole evidence permissible on the part of the person so producing the same to establish a right of entry into the United States;

But said certificate may be controverted and the facts therein stated disproved by the United States authorities."

954. Section eight of said act is hereby amended so as to read as follows:

"SEC. 8. That the master of any vessel arriving in the United States from any foreign port or place shall, at the same time he delivers a manifest of the cargo, and if there be no cargo, then at the time of making a

report of the entry of the vessel pursuant to law, in addition to the other matter required to be reported, and before landing, or permitting to land, any Chinese passengers, deliver and report to the collector of customs of the district in which such vessels shall have arrived a separate list of all Chinese passengers taken on board his vessel at any foreign port or place, and all such passengers on board the vessel at that time,

Such list shall show the names of such passengers (and if accredited officers of the Chinese or of any other foreign Government, traveling on the business of that Government, or their servants, with a note of such facts), and the names and other particulars as shown by their respective certificates; and such list shall be sworn to by the master in the manner required by law in relation to the manifest of the cargo.

Any refusal or wilful neglect of any such master to comply with the provisions of this section shall incur the same penalties and forfeiture as are provided for a refusal or neglect to report and deliver a manifest of the cargo."

955. Section ten of said act is hereby amended so as to read as follows:

"SEC. 10. That every vessel whose master shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any district of the United States into which such vessel may enter or in which she may be found."

956. Section eleven of said act is hereby amended so as to read as follows:

"SEC. 11. That any person who shall knowingly bring into or cause to be brought into the United States by land, or who shall aid or abet the same, or aid or abet the landing in the United States from any vessel, of any Chinese person not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall on conviction thereof, be fined in a sum not exceeding one thousand Dollars, and imprisoned for a term not exceeding one year."

957. Section twelve of said act is hereby amended so as to read as follows.

"SEC 12 That no Chinese person shall be permitted to enter the United States by land without producing to the proper officer of customs the certificate in this act required of Chinese persons seeking to land from a vessel.

And any Chinese person found unlawfully within the United States shall be caused to be removed therefrom to the country from whence

he came, and at the cost of the United States, after being brought before some justice, judge, or commissioner of a court of the United States and found to be one not lawfully entitled to be or to remain in the United States;

And in all such cases the person who brought or aided in bringing such person to the United States shall be liable to the Government of the United States for all necessary expenses incurred in such investigation and removal; and all peace officers of the several States and Territories of the United States are hereby invested with the same authority as a marshal or United States marshal in reference to carrying out the provisions of this act or the act of which this is amendatory, as a marshal or deputy marshal of the United States, and shall be entitled to like compensation to be audited and paid by the same officers.

And the United States shall pay all costs and charges for the maintenance and return of any Chinese person having the certificate prescribed by law as entitling such Chinese person to come into the United States who may not have been permitted to land from any vessel by reason of any of the provisions of this act."

958. Section thirteen of said act is hereby amended so as to read as follows

"SEC 13 That this act shall not apply to diplomatic and other officers of the Chinese or other Governments traveling upon the business of that Government, whose credentials shall be taken as equivalent to the certificate in this act mentioned, and shall exempt them and their body and household servants from the provisions of this act as to other Chinese persons"

959. Section fifteen of said act is hereby amended so as to read as follows

"SEC 15 That the provisions of this act shall apply to all subjects of China and Chinese, whether subjects of China or any other foreign power;

And the words Chinese laborers, wherever used in this act shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining."

960. SEC 16 That any violation of any of the provisions of this act or of the act of which this amendatory, the punishment of which is not otherwise herein provided for, shall be deemed a misdemeanor, and shall be punishable by a fine not exceeding one thousand dollars, or by imprisonment for not more than one year, or both such fine and imprisonment.

961. SEC 17. [*Relates to pending cases.*] [*July 5, 1884.*]

CHAP. 1015.—An act to prohibit the coming of Chinese laborers to the United States.

962. *Be it enacted, &c.*, That (1) from and after the date of the exchange of ratifications of the pending treaty between the United States of America and His Imperial Majesty the Emperor of China, signed on the twelfth day of March, anno Domini eighteen hundred and eighty-eight, it shall be unlawful for any Chinese person, whether a subject of China or of any other power, to enter the United States, except as hereinafter provided.

963. SEC. 2. That Chinese officials, teachers, students, merchants, or travelers for pleasure or curiosity, shall be permitted to enter the United States, but in order to entitle themselves to do so, they shall first obtain the permission of the Chinese Government, or other government of which they may at the time be citizens or subjects.

Such permission and also their personal identity shall in such case be evidenced by a certificate to be made out by the diplomatic representative of the United States in the country, or of the consular representative of the United States at the port or place from which the person named therein comes.

The certificate shall contain a full description of such person, of his age, height, and general physical features, and shall state his former and present occupation or profession and place of residence, and shall be made out in duplicate.

One copy shall be delivered open to the person named and described, and the other copy shall be sealed up and delivered by the diplomatic or consular officer as aforesaid to the captain of the vessel on which the person named in the certificate sets sail for the United States, together with the sealed certificate, which shall be addressed to the collector of customs at the port where such person is to land.

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NOTE.—(1) In the Treasury Department circular of May 7, 1892, publishing to customs officers the laws relating to Chinese immigration, the Department says:

“The several acts of Congress upon the subject referred to in said act approved May 5, 1892, are also appended for general information. The act approved September 13, 1888, being dependent upon the ratification of the then pending treaty with China, which treaty was not ratified, is omitted.”

Various Federal courts, however, have held that different portions of this act of September 13, 1888, are in force. § 13 has been uniformly held by the Federal courts which have directly passed upon it, to be in force, while there is a divergence of opinion as to the other sections.

The Supreme Court has never directly passed on this question, and it has never, in any of its decisions relating to Chinese immigration, referred to any part of the act of 1888, Sept. 13, ch. 1015, as in force.

There shall be delivered to the aforesaid captain a letter from the consular officer addressed to the collector of customs aforesaid, and stating that said consular officer has on a certain day delivered to the said captain a certificate of the right of the person named therein to enter the United States as a Chinese official, or other exempted person, as the case may be.

And any captain who lands or attempts to land a Chinese person in the United States, without having in his possession a sealed certificate, as required in this section, shall be liable to the penalties prescribed in section nine of this act.

**964. SEC. 3.** That the provisions of this act shall apply to all persons of the Chinese race, whether subjects of China or other foreign power, excepting Chinese diplomatic or consular officers and their attendants; and the words "Chinese laborers," whenever used in this act, shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining.

**965. SEC. 4.** That the master of any vessel arriving in the United States from any foreign port or place with any Chinese passengers on board shall, when he delivers his manifest of cargo, and if there be no cargo, when he makes legal entry of his vessel, and before landing or permitting to land any Chinese person (unless a diplomatic or consular officer, or attendant of such officer), deliver to the collector of customs of the district in which the vessel shall have arrived the sealed certificates and letters as aforesaid, and a separate list of all Chinese persons taken on board of his vessel at any foreign port or place, and of all such persons on board at the time of arrival as aforesaid. Such list shall show the names of such persons and other particulars as shown by their open certificates, or other evidences required by this act, and such list shall be sworn to by the master in the manner required by law in relation to the manifest of the cargo.

The master of any vessel as aforesaid shall not permit any Chinese diplomatic or consular officer or attendant of such officer to land without having first been informed by the collector of customs of the official character of such officer or attendant. Any refusal or willful neglect of the master of any vessel to comply with the provisions of this section shall incur the same penalties and forfeitures as are provided for a refusal or neglect to report and deliver a manifest of the cargo.

**966. SEC. 5.** That from and after the passage of this act, no Chinese laborer in the United States shall be permitted, after having left, to



return thereto, except under the conditions stated in the following sections.

967. SEC. 6. That no Chinese laborer within the purview of the preceding section shall be permitted to return to the United States unless he has a lawful wife, child, or parent in the United States, or property therein of the value of one thousand dollars, or debts of like amount due him and pending settlement.

The marriage to such wife must have taken place at least a year prior to the application of the laborer for a permit to return to the United States, and must have been followed by the continuous cohabitation of the parties as man and wife.

If the right to return be claimed on the ground of property or of debts, it must appear that the property is bona fide and not colorably acquired for the purpose of evading this act, or that the debts are unascertained and unsettled, and not promissory notes or other similar acknowledgments of ascertained liability.

968. SEC. 7. That a Chinese person claiming the right to be permitted to leave the United States and return thereto on any of the grounds stated in the foregoing section, shall apply to the collector of customs of the district from which he wishes to depart at least a month prior to the time of his departure, and shall make on oath before the said collector a full statement descriptive of his family, or property, or debts, as the case may be, and shall furnish to said collector such proofs of the facts entitling him to return as shall be required by the rules and regulations prescribed from time to time by the Secretary of the Treasury, and for any false swearing in relation thereto he shall incur the penalties of perjury. He shall also permit the collector to take a full description of his person, which description the collector shall retain and mark with a number.

And if the collector, after hearing the proofs and investigating all the circumstances of the case, shall decide to issue a certificate of return, he shall at such time, and place as he may designate, sign and give to the person applying a certificate containing the number of the description last aforesaid, which shall be the sole evidence given to such person of his right to return. If this last named certificate be transferred, it shall become void, and the person to whom it was given shall forfeit his right to return to the United States.

The right to return under the said certificate shall be limited to one year; but it may be extended for an additional period, not to exceed a

year, in cases where, by reason of sickness or other cause of disability beyond his control, the holder thereof shall be rendered unable sooner to return, which facts shall be fully reported to and investigated by the consular representative of the United States at the port or place from which such laborer departs for the United States, and certified by such representative of the United States to the satisfaction of the collector of customs at the port where such Chinese person shall seek to land in the United States, such certificate to be delivered by said representative to the master of the vessel on which he departs for the United States.

And no Chinese laborer shall be permitted to re-enter the United States without producing to the proper officer of the customs at the port of such entry the return certificate herein required.

A Chinese laborer possessing a certificate under this section shall be admitted to the United States only at the port from which he departed therefrom, and no Chinese person, except Chinese diplomatic or consular officers, and their attendants, shall be permitted to enter the United States except at the ports of San Francisco, Portland, Oregon, Boston, New York, New Orleans, Port Townsend, or such other ports as may be designated by the Secretary of the Treasury.

969. SEC. 8. That the Secretary of the Treasury shall be, and he hereby is, authorized and empowered to make and prescribe, and from time to time to change and amend such rules and regulations, not in conflict with this act, as he may deem necessary and proper to conveniently secure to such Chinese persons as are provided for in articles second and third of the said treaty between the United States and the Empire of China, the rights therein mentioned, and such as shall also protect the United States against the coming and transit of persons not entitled to the benefit of the provisions of said articles.

And he is hereby further authorized and empowered to prescribe the form and substance of certificates to be issued to Chinese laborers under and in pursuance of the provisions of said articles, and prescribe the form of the record of such certificate and of the proceedings for issuing the same, and he may require the deposit, as a part of such record, of the photograph of the party to whom any such certificate shall be issued.

970. SEC. 9. That the master of any vessel who shall knowingly bring within the United States on such vessel, and land, or attempt to land, or permit to be landed any Chinese laborer or other Chinese person, in contravention of the provisions of this act, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished with a fine

of not less than five hundred dollars nor more than one thousand dollars, in the discretion of the court, for every Chinese laborer or other Chinese person so brought, and may also be imprisoned for a term of not less than one year, nor more than five years, in the discretion of the court.

971. SEC. 10. That the foregoing section shall not apply to the case of any master whose vessel shall come within the jurisdiction of the United States in distress or under stress of weather, or touching at any port of the United States on its voyage to any foreign port or place. But Chinese laborers or persons on such vessels shall not be permitted to land, except in case of necessity, and must depart with the vessel on leaving port.

972. SEC. 11. That any person who shall knowingly and falsely alter or substitute any name for the name written in any certificate herein required, or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, and any person other than the one to whom a certificate was issued who shall falsely present any such certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars, and imprisoned in a penitentiary for a term of not more than five years.

973. SEC. 12. That before any Chinese passengers are landed from any such vessel, the collector or his deputy, shall proceed to examine such passengers, comparing the certificates with the list and with the passengers; and no passenger shall be allowed to land in the United States from such vessel in violation of law;

And the collector shall in person decide all questions in dispute with regard to the right of any Chinese passenger to enter the United States, and his decision shall be subject to review by the Secretary of the Treasury, and not otherwise.

974. SEC. 13. That any Chinese person, or person of Chinese descent, found unlawfully in the United States, or its Territories, may be arrested upon a warrant issued upon a complaint, under oath, filed by any party on behalf of the United States, by any justice, judge, or commissioner of any United States court, returnable before any justice, judge, or commissioner of a United States court, or before any United States court, and when convicted, upon a hearing, and found and adjudged to be one not lawfully entitled to be or remain in the United States, such person shall be removed from the United States to the country whence he came.

But any such Chinese person convicted before a commissioner of a

United States court may, within ten days from such conviction, appeal to the judge of the district court for the district.

A certified copy of the judgment shall be the process upon which said removal shall be made, and it may be executed by the marshal of the district, or any officer having authority of a marshal under the provisions of this section.

And in all such cases the person who brought or aided in bringing such person into the United States shall be liable to the Government of the United States for all necessary expenses incurred in such investigation and removal;

and all peace officers of the several States and Territories of the United States are hereby invested with the same authority in reference to carrying out the provisions of this act, as a marshal or deputy marshal of the United States, and shall be entitled to like compensation, to be audited and paid by the same officers.

975. SEC. 14. That the preceding sections shall not apply to Chinese diplomatic or consular officers or their attendants, who shall be admitted to the United States under special instructions of the Treasury Department, without production of other evidence than that of personal identity.

976. SEC. 15. That the act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May sixth, eighteen hundred and eighty-two, and an act to amend said act approved July fifth, eighteen hundred and eighty-four, are hereby repealed to take effect upon the ratification of the pending treaty as provided in section one of this act. [*September 13, 1888.*]

CHAP. 1064.—An act a supplement to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the sixth day of May eighteen hundred and eighty-two.

977. *Be it enacted, &c.*, That from and after the passage of this act, it shall be unlawful for any chinese laborer who shall at any time heretofore have been, or who may now or hereafter be, a resident within the United States, and who shall have departed, or shall depart, therefrom, and shall not have returned before the passage of this act, to return to, or remain in, the United States.

978. SEC. 2. That no certificates of identity provided for in the fourth and fifth sections of the act to which this is a supplement shall hereafter be issued; and every certificate heretofore issued in pursuance thereof, is hereby declared void and of no effect, and the chinese laborer claim-

ing admission by virtue thereof shall not be permitted to enter the United States.

979. SEC. 3. That all the duties prescribed, liabilities penalties and forfeitures imposed, and the powers conferred by the second, tenth, eleventh, and twelfth, sections of the act to which this is a supplement are hereby extended and made applicable to the provisions of this act.

980. SEC. 4. That all such part or parts of the act to which this is a supplement as are inconsistent herewith are hereby repealed. [*October 1, 1888.*]

CHAP. 60.—An act to prohibit the coming of Chinese persons into the United States.

981. *Be it enacted, &c.,* That all laws now in force prohibiting and regulating the coming into this country of Chinese persons and persons of Chinese descent are hereby continued in force for a period of ten years from the passage of this act.

982. SEC. 2. That any Chinese person or person of Chinese descent, when convicted and adjudged under any of said laws to be not lawfully entitled to be or remain in the United States, shall be removed from the United States to China,

unless he or they shall make it appear to the justice, judge, or commissioner before whom he or they are tried that he or they are subjects or citizens of some other country, in which case he or they shall be removed from the United States to such country:

*Provided,* That in any case where such other country of which such Chinese person shall claim to be a citizen or subject shall demand any tax as a condition of the removal of such person to that country, he or she shall be removed to China.

983. SEC. 3. That any Chinese person or person of Chinese descent arrested under the provisions of this act or the acts hereby extended shall be adjudged to be unlawfully within the United States unless such person shall establish, by affirmative proof, to the satisfaction of such justice, judge, or commissioner, his lawful right to remain in the United States.

984. SEC. 4. That any such Chinese person or person of Chinese descent convicted and adjudged to be not lawfully entitled to be or remain in the United States shall be imprisoned at hard labor for a period of not exceeding one year and thereafter removed from the United States, as hereinbefore provided.

985. SEC. 5. That after the passage of this act on an application to any judge or court of the United States in the first instance for a writ of

habeas corpus, by a Chinese person seeking to land in the United States, to whom that privilege has been denied, no bail shall be allowed;

and such application shall be heard and determined promptly without unnecessary delay.

**986. SEC. 6.** And it shall be the duty of all Chinese laborers within the limits of the United States, at the time of the passage of this act, and who are entitled to remain in the United States, to apply to the collector of internal revenue of their respective districts, within one year after the passage of this act, for a certificate of residence,

and any Chinese laborer, within the limits of the United States, who shall neglect, fail, or refuse to comply with the provisions of this act, or who, after one year from the passage hereof, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States,

and may be arrested, by any United States customs official, collector of internal revenue or his deputies, United States marshal or his deputies,

and taken before a United States judge, whose duty it shall be to order that he be deported from the United States as hereinbefore provided,

unless he shall establish clearly to the satisfaction of said judge, that by reason of accident, sickness or other unavoidable cause, he has been unable to procure his certificate, and to the satisfaction of the court, and by at least one credible white witness, that he was a resident of the United States at the time of the passage of this act;

and if upon the hearing, it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the cost.

Should it appear that said Chinaman had procured a certificate which has been lost or destroyed, he shall be detained and judgment suspended a reasonable time to enable him to procure a duplicate from the officer granting it, and in such cases, the cost of said arrest and trial shall be in the discretion of the court.

And any Chinese person other than a Chinese laborer, having a right to be and remain in the United States, desiring such certificate as evidence of such right may apply for and receive the same without charge. [Superseded, see par. 991.]

**987. SEC. 7.** That immediately after the passage of this act, the Secretary of the Treasury shall make such rules and regulations as may be necessary for the efficient execution of this act, and shall prescribe the necessary forms and furnish the necessary blanks to enable collectors of internal revenue to issue the certificates required hereby, and make such provisions that certificates may be procured in localities convenient to the applicants,

such certificates shall be issued without charge to the applicant, and shall contain the name, age, local residence and occupation of the applicant, and such other description of the applicant as shall be prescribed by the Secretary of the Treasury,

and a duplicate thereof shall be filed in the office of the collector of internal revenue for the district within which such Chinaman makes application.

**988. SEC. 8.** That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate

or forge such certificate,

or knowingly utter any forged or fraudulent certificate,

or falsely personate any person named in such certificate,

shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars or imprisoned in the penitentiary for a term of not more than five years.

**989. SEC. 9.** The Secretary of the Treasury may authorize the payment of such compensation in the nature of fees to the collectors of internal revenue, for services performed under the provisions of this act in addition to salaries now allowed by law, as he shall deem necessary, not exceeding the sum of one dollar for each certificate issued. [*May 5, 1892.*]

CHAP. 14.—An Act To amend an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May fifth, eighteen hundred and ninety-two.

**990.** *Be it enacted, &c.,* That Section six of an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May fifth, eighteen hundred and ninety-two, is hereby amended so as to read as follows:

**991.** "SEC. 6. And it shall be the duty of all Chinese laborers within the limits of the United States who were entitled to remain in the United States before the passage of the act to which this is an amendment to apply to the collector of internal revenue of their respective districts within six months after the passage of this act for a certificate of residence;

and any Chinese laborer within the limits of the United States who shall neglect, fail, or refuse to comply with the provisions of this act and the act to which this is an amendment, or who, after the expiration of said six months, shall be found within the jurisdiction of the United

States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States,

and may be arrested by any United States customs official, collector of internal revenue or his deputies, United States marshal or his deputies,

and taken before a United States judge, whose duty it shall be to order that he be deported from the United States, as provided in this act and in the act to which this is an amendment,

unless he shall establish clearly to the satisfaction of said judge that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate, and to the satisfaction of said United States judge, and by at least one credible witness other than Chinese, that he was a resident of the United States on the fifth of May, eighteen hundred and ninety-two;

and if, upon the hearing, it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the cost.

Should it appear that said Chinaman had procured a certificate which has been lost or destroyed, he shall be detained and judgment suspended a reasonable time to enable him to procure a duplicate from the officer granting it, and in such cases the cost of said arrest and trial shall be in the discretion of the court;

and any Chinese person, other than a Chinese laborer, having a right to be and remain in the United States, desiring such certificate as evidence of such right, may apply for and receive the same without charge;

and that no proceedings for a violation of the provisions of said section six of said act of May fifth, eighteen hundred and ninety-two, as originally enacted, shall hereafter be instituted, and that all proceedings for said violation now pending are hereby discontinued":

*Provided*, That no Chinese person heretofore convicted in any court of the States or Territories or of the United States of a felony shall be permitted to register under the provisions of this act; but all such persons who are now subject to deportation for failure or refusal to comply with the act to which this is an amendment shall be deported from the United States as in said act and in this act provided, upon any appropriate proceedings now pending or which may be hereafter instituted.

992. SEC. 2. The words "laborer" or "laborers," wherever used in this act, or in the act to which this is an amendment, shall be construed to mean both skilled and unskilled manual laborers, including Chinese employed in mining, fishing, huckstering, peddling, laundrymen, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation.

The term "merchant," as employed herein and in the acts of which



this is amendatory, shall have the following meaning and none other: A merchant is a person engaged in buying and selling merchandise, at a fixed place of business, which business is conducted in his name, and who during the time he claims to be engaged as a merchant, does not engage in the performance of any manual labor, except such as is necessary in the conduct of his business as such merchant.

Where an application is made by a Chinaman for entrance into the United States on the ground that he was formerly engaged in this country as a merchant, he shall establish by the testimony of two credible witnesses other than Chinese the fact that he conducted such business as hereinbefore defined for at least one year before his departure from the United States, and that during such year he was not engaged in the performance of any manual labor, except such as was necessary in the conduct of his business as such merchant, and in default of such proof shall be refused landing.

Such order of deportation shall be executed by the United States Marshal of the district within which such order is made, and he shall execute the same with all convenient dispatch; and pending the execution of such order such Chinese person shall remain in the custody of the United States Marshal, and shall not be admitted to bail.

The certificate herein provided for shall contain the photograph of the applicant, together with his name local residence and occupation, and a copy of such certificate, with a duplicate of such photograph attached, shall be filed in the office of the United States Collector of Internal Revenue of the district in which such Chinaman makes application.

Such photographs in duplicate shall be furnished by each applicant in such form as may be prescribed by the Secretary of the Treasury. [*November 3, 1893.*]

NOTE.—See Treaty between the United States and China, concluded Mar. 17, 1894, which makes important modifications of the existing statutes on this subject. [Paragraphs 1463-1407.]

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## TITLE XXXIV.

### COLLECTION OF DUTIES.

993. SEC. 2770. It shall not be lawful to make entry of any vessel which shall arrive within the United States, from any foreign port, or of the cargo on board such vessel, elsewhere than at one of the ports of entry designated in chapter one of this Title: nor to unlade the cargo,

or any part thereof, elsewhere than at one of the ports of delivery therein designated, except that every port of entry shall be also a port of delivery. This section shall not prevent the master or commander of any vessel from making entry with the collector of any district in which such vessel may be owned, or from which she may have sailed on the voyage from which she shall then have returned. [See § 5314-5321.]

994. SEC. 2772. The master of every vessel bound to a port of delivery only, in any district, shall first come to at the port of entry of such district, with his vessel, and there make report and entry in writing, and pay all duties required by law, port fees and charges, before such vessel shall proceed to her port of delivery. Any master of a vessel who shall proceed to a port of delivery contrary to such directions shall be liable to a penalty of five hundred dollars, to be recovered with costs of suit.

995. SEC. 2837. All invoices shall be made out in the weights or measures of the country or place from which the importation is made, and shall contain a true statement of the actual weights or measures of such merchandise, without any respect to the weights or measures of the United States. [See §§ 5443, 5445.]

996. SEC. 2840. In every case in which a collector shall suspect that any merchandise is not invoiced at a sum equal to that for which it has usually been sold in the place or country from whence it was imported, he shall take the merchandise into his possession, and retain the same with reasonable care, at the risk and expense of the owner or consignee, until its value at the time and place of importation has been ascertained, as in the case of damaged merchandise, or of merchandise not accompanied with an invoice, and until the duties arising, according to such valuation, have been paid, or secured to be paid. But in case of a prosecution for forfeiture, such appraisement shall not exclude other proof, upon the trial, of the actual cost of the merchandise at the place of exportation.

997. SEC. 2844. If there is no consul or commercial agent of the United States in the country from which such merchandise was imported, the authentication required by the preceding section shall be executed by a consul of a nation at the time in amity with the United States, if there is any such residing there; and if there is no such consul in the country the authentication shall be made by two respectable merchants, if any there be, residing in the port from which the merchandise shall have been imported.

998. SEC. 2851. For every verification of an invoice and certificate before a consul or commercial agent, such consul or commercial agent

shall be entitled to demand and receive from the person making the same, a fee of two dollars and fifty cents. . But each shipper shall have the right to include all articles shipped by him in the same invoice. [See §§ 1716, 1721.]

999. SEC. 2855. The person so producing such invoice shall at the same time declare to such consul, vice-consul, or commercial agent the port in the United States at which it is intended to make entry of merchandise; whereupon the consul, vice-consul, or commercial agent shall indorse upon each of the triplicates a certificate, under his hand and official seal, stating that the invoice has been produced to him, with the date of such production, and the name of the person by whom the same was produced, and the port in the United States at which it shall be the declared intention to make entry of the merchandise therein mentioned. The consul, vice-consul, or commercial agent shall then deliver to the person producing the same, one of the triplicates, to be used in making entry of the merchandise; shall file another in his office, to be there carefully preserved; and shall, as soon as practicable, transmit the remaining one to the collector of the port of the United States at which it shall be declared to be the intention to make entry of the merchandise.

1000. SEC. 2857. Whenever, from a change of the destination of any merchandise, after the production of the invoice thereof to the consul, vice-consul, or commercial agent, or from other cause, the triplicate transmitted to the collector of the port to which such merchandise was originally destined, is not received at the port where the same actually arrives, and where it is desired to make entry thereof, the merchandise may be admitted to an entry on the execution by the owner, consignee, or agent, of a bond, with sufficient security, in double the amount of duty apparently due, conditioned for the payment of the duty which shall be found to be actually due thereon. The collector of the port where such entry shall be made shall immediately notify the consul, vice-consul, or commercial agent to whom such invoice has been produced, to transmit to such collector a certified copy thereof; and such consul, vice-consul, or commercial agent shall transmit the same accordingly without delay; and the duty shall not be finally liquidated until such triplicate, or a certified copy thereof, shall have been received. Such liquidation, however, shall not be delayed longer than eighteen months from the time of making such entry.

1001. SEC. 2859. The six preceding sections shall not apply to countries where there is no consul, vice-consul, or commercial agent of the United

States. And whenever the value of the imported merchandise does not exceed one hundred dollars, the collector may admit it to entry without the production of the triplicate invoice, and without submitting the question to the Secretary of the Treasury, if he is satisfied that the neglect to produce such invoice was unintentional and that the importation was made in good faith, and without any purpose of defrauding or evading the revenue laws.

1002. SEC. 2861. No consular officer of the United States shall grant a certificate for merchandise shipped from countries adjacent to the United States, which have passed a consulate after purchase for shipment. [See § 1717, bis.]

1003. SEC. 2862. All consular officers are hereby authorized to require, before certifying any invoice under the provisions of the preceding sections, satisfactory evidence, either by the oath of the person presenting such invoices or otherwise, that such invoices are correct and true. In the exercise of the discretion hereby given, the consular officers shall be governed by such general or special regulations or instructions as may from time to time be established or given by the Secretary of State. [See § 1715.]

1004. SEC. 2863. All consuls and commercial agents of the United States having any knowledge or belief of any case or practice of any person who obtains verification of any invoice whereby the revenue of the United States is or may be defrauded, shall report the facts to the collector of the port where the revenue is or may be defrauded, or to the Secretary of the Treasury. [See § 5442.]

#### APPRAISEMENT.

1005. SEC. 2904. When the duty upon any imports shall be subject to be levied upon the true market-value of such imports in the principal markets of the country from whence the importation has been made, or at the port of exportation, the duty shall be estimated and collected upon the value on the day of actual shipment, whenever a bill of lading shall be presented showing the date of shipment, and which shall be certified by a certificate of the United States consul, commercial agent, or other legally authorized deputy.

1006. SEC. 2906. When an ad-valorem rate of duty is imposed on any imported merchandise, or when the duty imposed shall be regulated by, or directed to be estimated or based upon, the value of the square yard, or of any specified quantity or parcel of such merchandise, the collector within whose district the same shall be imported or entered shall cause

the actual market-value, or wholesale price thereof, at the period of the exportation to the United States, in the principal markets of the country from which the same has been imported, to be appraised, and such appraised value shall be considered the value upon which duty shall be assessed.

1007. SEC. 2920. In all cases in which the invoice or entry does not contain the weight, or quantity, or measure of merchandise, now weighed, or measured, or gauged, the same shall be weighed, gauged, or measured at the expense of the owner, agent, or consignee.

#### DEPOSIT IN WAREHOUSE.

1008. SEC. 2962. Any merchandise subject to duty, with the exception of perishable articles, also gunpowder, and other explosive substances, except fire-crackers, which shall have been duly entered and bonded for warehousing, in conformity with existing laws, may be deposited, at the option of the owner, importer, consignee, or agent, at his expense and risk, in any public warehouse owned or leased by the United States, or in the private warehouse of the importer, the same being used exclusively for the storage of warehoused merchandise of his own importation or to his consignment, or in a private warehouse used by the owner, occupant, or lessee, as a general warehouse for the storage of warehoused merchandise; such place of storage to be designated on the warehouse-entry at the time of entering such merchandise at the custom-house.

#### DRAWBACK OF DUTY.

1009. SEC. 3044. All bonds which may be given for any merchandise exported from the United States, and on which any drawback of duties or allowance shall be payable, in virtue of such exportation, shall and may be discharged, and not otherwise, by producing within one year from the date thereof, if the exportation be made to any port of Europe or America, or within two years, if made to any part of Asia or Africa, a certificate under the hand of the consignee at the foreign port to whom the merchandise shall have been addressed, therein particularly setting forth and describing the articles so exported, their marks, numbers, description of packages, the number thereof, and their actual contents, and declaring that the same have been received by them from on board the vessel, specifying the names of the master and vessel from which they were so received; and where such merchandise is not consigned or addressed to any particular person at the foreign port to which

the vessel is destined, or may arrive, but where the master, or other person on board such vessel may be the consignee of such merchandise, a certificate from the person to whom such merchandise may be sold or delivered, by such master or other person, shall be produced to the same effect as that required if the person receiving the same were originally intended to be the consignee thereof.

1010. SEC. 3045. In addition to such certificate, it shall be necessary to produce a certificate under the hand and seal of the consul or agent of the United States, residing at the place, declaring either that the facts stated in the certificate of such consignee, or other person, are to his knowledge true, or that such certificate is deserving of full faith and credit; which certificates of the consignee, or other person, and consul or agent, shall, in all cases, as respects the landing or delivery of the merchandise, be confirmed by the oath of the master and mate, if living, or, in case of their death, by the oath of the two principal surviving officers of the vessel in which the exportation shall be made. Where there is no consul or agent of the United States residing at the place of delivery, the certificate of the consignee, or other person hereinbefore required, shall be confirmed by the certificate of two reputable American merchants residing at the place, or if there are no such American merchants, then by the certificate of two reputable foreign merchants, testifying that the several facts stated in such consignee or other person's certificate, are, to their knowledge, just and true, or that such certificate is, in their opinion, worthy of full faith and credit; and such certificate shall also be supported by the oath of the master and mate, or other principal officers of the vessel, in manner as before prescribed. The oath of the master and mate, or other principal officers, shall, in all cases, when taken at a foreign port, be taken and subscribed before the consul or agent of the United States residing at such foreign port, if any such consul or agent reside thereat.

#### SEALING CARS.

1011. SEC. 3102. To avoid the inspection at the first port of arrival, the owner, agent, master, or conductor of any such vessel, car, or other vehicle, or owner, agent, or other person having charge of any such merchandise, baggage, effects, or other articles, may apply to any officer of the United States duly authorized to act in the premises, to seal or close the same, under and according to the regulations hereinafter authorized, previous to their importation into the United States; which officer shall seal or close the same accordingly; whereupon the same may

proceed to their port of destination without further inspection. Every such vessel, car, or other vehicle, shall proceed, without unnecessary delay, to the port of its destination, as named in the manifest of its cargo, freight, or contents, and be there inspected. Nothing contained in this section shall be construed to exempt such vessel, car, or vehicle, or its contents, from such examination as may be necessary and proper to prevent frauds upon the revenue and violations of this Title. .

1012. SEC. 3103. The Secretary of the Treasury is hereby authorized and required to make such regulations, and from time to time so to change the same as to him shall seem necessary and proper, for sealing such vessels, cars, and other vehicles, when practicable, and for sealing, marking, and identifying such merchandise, baggage, effects, trunks, traveling-bags, or sacks, valises, and other envelopes and articles; and also in regard to invoices, manifests, and other pertinent papers, and their authentication.

#### IMMEDIATE TRANSPORTATION.

CHAP. 190.—An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes.

1013. *Be it enacted, &c.*, That when any merchandise, other than explosive articles, and articles in bulk not provided for in section four<sup>1</sup> of this act, imported at the ports of New York, Philadelphia, Boston, Baltimore, Portland and Bath, in Maine, Chicago, Port Huron, Detroit, New Orleans, Norfolk, Charleston Savannah, Mobile, Galveston, Pensacola, Florida, Cleveland, Toledo, and San Francisco, shall appear by the invoice or bill of lading and manifest of the importing vessel to be consigned to and destined for either of the ports specified in the seventh section of this act, the collector at the port of arrival shall allow the said merchandise to be shipped immediately after the entry prescribed in section two of this act has been made.

1014. SEC. 2. That the collector at the port of first arrival shall retain in his office a permanent record of such merchandise so to be forwarded to the port of destination, and such record shall consist of a copy of the invoice and an entry whereon the duties shall be estimated as closely as possible on the merchandise so shipped, but no oaths shall be required on the said entry.

Such merchandise shall not be subject to appraisement and liquidation of duties at the port of first arrival, but shall undergo such examination

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<sup>1</sup> *Four* changed to *five* by act of June 14, 1880 (21 Stat., 198).

as the Secretary of the Treasury shall deem necessary to verify the invoice; and the same examination and appraisement thereof shall be required and had at the port of destination as would have been required at the port of first arrival if such merchandise had been entered for consumption or warehouse at such port.

[Sections 3, 4, 5, and 6 omitted.]

1015. SEC. 7. That the privilege of immediate transportation shall extend to the ports of New York and Buffalo, in New York; Burlington, in Vermont; Boston, in Massachusetts; Providence and Newport in Rhode Island; New Haven, Middletown, and Hartford in Connecticut; Philadelphia and Pittsburg, in Pennsylvania; Baltimore, Crisfield and Annapolis, in Maryland; Wilmington, and Seaford, in Delaware; Salem, Massachusetts; Georgetown in the District of Columbia; Norfolk, Richmond and Petersburg, in Virginia; Wilmington and Newberne, in North Carolina; Charleston and Port Royal, in South Carolina; Savannah and Brunswick, in Georgia; New Orleans, in Louisiana; Portland and Bath, in Maine; Portsmouth, in New Hampshire; Chicago, Cairo, Alton, and Quincy, in Illinois; Detroit, Port Huron, and Grand Haven in Michigan; Saint Louis, Kansas City, and Saint Joseph in Missouri; Saint Paul, in Minnesota; Cincinnati, Cleveland, and Toledo, in Ohio; Milwaukee, and La Crosse, in Wisconsin; Louisville, in Kentucky; San Francisco, San Diego and Wilmington in California; Portland, in Oregon; Memphis, Nashville and Knoxville, in Tennessee; Mobile, in Alabama; and Evansville, in Indiana; and Galveston, Houston, Brownsville, Corpus Christi, and Indianola, in Texas; Omaha, in Nebraska; Dubuque, Burlington and Keokuk, in Iowa; Leavenworth, in Kansas; Tampa Bay, Fernandina, Jacksonville, Cedar Keys, Key West, and Apalachicola, in Florida:

*Provided*, That the privilege of transportation herein conferred shall not extend to any place at which there are not the necessary officers for the appraisement of merchandise and the collection of duties.

[Sections 8, 9, 10 and 11 omitted.]

#### CUSTOMS ADMINISTRATIVE ACT.

AN ACT to simplify the laws in relation to the collection of the revenues.

1016. *Be it enacted, &c.*, That all merchandise imported into the United States shall, for the purpose of this act, be deemed and held to be the property of the person to whom the merchandise may be consigned;

But the holder of any bill of lading consigned to order and indorsed by the consignor shall be deemed the consignee thereof;



And in case of the abandonment of any merchandise to the underwriters the latter may be recognized as the consignee.

1017. SEC. 2. That all invoices of imported merchandise shall be made out in the currency of the place or country from whence the importations shall be made or if purchased in the currency actually paid therefor, shall contain a correct description of such merchandise, and shall be made in triplicate or in quadruplicate in case of merchandise intended for immediate transportation without appraisement, and signed by the person owning or shipping the same, if the merchandise has been actually purchased, or by the manufacturer or owner thereof, if the same has been procured otherwise than by purchase, or by the duly authorized agent of such purchaser, manufacturer, or owner.

1018. SEC. 3. That all such invoices shall, at or before the shipment of the merchandise, be produced to the consul, viceconsul, or commercial agent of the United States of the consular district in which the merchandise was manufactured or purchased as the case may be, for export to the United States, and shall have indorsed thereon, when so produced, a declaration signed by the purchaser, manufacturer, owner, or agent, setting forth that the invoice is in all respects correct and true, and was made at the place from which the merchandise is to be exported to the United States;

That it contains, if the merchandise was obtained by purchase, a true and full statement of the time when, the place where, the person from whom the same was purchased, and the actual cost thereof and of all charges thereon, as provided by this act; and that no discounts, bounties, or drawbacks are contained in the invoice but such as have been actually allowed thereon;

And when obtained in any other manner than by purchase, the actual market value or wholesale price thereof at the time of exportation to the United States in the principal markets of the country from whence exported; that such actual market value is the price at which the merchandise described in the invoice is freely offered for sale to all purchasers in said markets, and that it is the price which the manufacturer or owner making the declaration would have received, and was willing to receive, for such merchandise sold in the ordinary course of trade, in the usual wholesale quantities, and that it includes all charges thereon as provided by this act; and the actual quantity thereof; and that no different invoice of the merchandise mentioned in the invoice so produced has been or will be furnished to any one.

If the merchandise was actually purchased, the declaration shall also contain a statement that the currency in which such invoice is made

out is that which was actually paid for the merchandise by the purchaser.

1019. SEC. 4. That, except in case of personal effects accompanying the passenger, no importation of any merchandise exceeding one hundred dollars in dutiable value shall be admitted to entry without the production of a duly-certified invoice thereof as required by law, or of an affidavit made by the owner, importer, or consignee, before the collector or his deputy, showing why it is impracticable to produce such invoice;

And no entry shall be made in the absence of a certified invoice, upon affidavit as aforesaid, unless such affidavit be accompanied by a statement in the form of an invoice, or otherwise, showing the actual cost of such merchandise, if purchased, or if obtained otherwise than by purchase, the actual market value or wholesale price thereof at the time of exportation to the United States, in the principal markets of the country from which the same has been imported; which statement shall be verified by the oath of the owner, importer, consignee, or agent desiring to make entry of the merchandise, to be administered by the collector or his deputy,

And it shall be lawful for the collector or his deputy to examine the deponent under oath touching the sources of his knowledge, information, or belief in the premises, and to require him to produce any letter, paper, or statement of account, in his possession, or under his control, which may assist the officers of customs in ascertaining the actual value of the importation or any part thereof:

And in default of such production when so requested, such owner, importer, consignee, or agent shall be thereafter debarred from producing any such letter, paper, or statement for the purpose of avoiding any additional duty, penalty, or forfeiture incurred under this act, unless he shall show to the satisfaction of the court or the officers of the customs, as the case may be, that it was not in his power to produce the same when so demanded;

And no merchandise shall be admitted to entry under the provisions of this section unless the collector shall be satisfied that the failure to produce a duly certified invoice is due to causes beyond the control of the owner, consignee, or agent thereof:

*Provided*, That the Secretary of the Treasury may make regulations by which books, magazines, and other periodicals published and imported in successive parts, numbers, or volumes, and entitled to be imported free of duty, shall require but one declaration for the entire series.

And when entry of merchandise exceeding one hundred dollars in value is made by a statement in the form of an invoice the collector shall require a bond for the production of a duly certified invoice.

1020. SEC. 5. That whenever merchandise imported into the United States is entered by invoice, one of the following declarations, according to the nature of the case, shall be filed with the collector of the port, at the time of entry by the owner, importer, consignee, or agent; which declaration so filed shall be duly signed by the owner, importer, consignee, or agent, before the collector, or before a notary public or other officer duly authorized by law to administer oaths and take acknowledgments, who may be designated by the Secretary of the Treasury to receive such declarations and to certify to the identity of the persons making them, under regulations to be prescribed by the Secretary of the Treasury; and every officer so designated shall file with the collector of the port a copy of his official signature and seal:

*Provided*, That if any of the invoices or bills of lading of any merchandise imported in any one vessel, which should otherwise be embraced in said entry, have not been received at the date of the entry, the declaration may state the fact, and thereupon such merchandise of which the invoices or bills of lading are not produced shall not be included in such entry, but may be entered subsequently.

1021. DECLARATION OF CONSIGNEE, IMPORTER, OR AGENT.

I \_\_\_\_\_, do solemnly and truly declare that I am the consignee [importer or agent] of the merchandise described in the annexed entry and invoice; that the invoice and bill of lading now presented by me to the collector of \_\_\_\_\_ are the true and only invoice and bill of lading by me received of all the goods, wares, and merchandise imported in the \_\_\_\_\_ whereof \_\_\_\_\_ is master, from \_\_\_\_\_, for account of any person whomsoever for whom I am authorized to enter the same; that the said invoice and bill of lading are in the state in which they were actually received by me, and that I do not know or believe in the existence of any other invoice or bill of lading of the said goods, wares, and merchandise; that the entry now delivered to the collector contains a just and true account of the said goods, wares, and merchandise, according to the said invoice and bill of lading; that nothing has been, on my part, nor to my knowledge on the part of any other person, concealed or suppressed, whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; that the said invoice and the declaration therein are in all respects true, and were made by the person by whom the same purports to have been made; and that if at any time hereafter I discover any error in the said invoice, or in the account now rendered of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the

same known to the collector of this district. And I do further solemnly and truly declare that to the best of my knowledge and belief [insert the name and residence of the owner or owners] is [or are] the owner (or owners) of the goods, wares, and merchandise mentioned in the annexed entry; that the invoice now produced by me exhibits the actual cost (if purchased) or the actual market value or wholesale price (if otherwise obtained) at the time of exportation to the United States in the principal markets of the country from whence imported of the said goods, wares, and merchandise, and includes and specifies the value of all cartons, cases, crates, boxes, sacks, and coverings of any kind, and all other costs, charges, and expenses incident to placing said goods, wares, and merchandise in condition, packed ready for shipment to the United States, and no other or different discount, bounty, or drawback but such as has been actually allowed on the same.

**1022. DECLARATION OF OWNER IN CASES WHERE MERCHANDISE HAS BEEN ACTUALLY PURCHASED.**

I, ———— do solemnly and truly declare that I am the owner of the merchandise described in the annexed entry and invoice; that the entry now delivered by me to the collector of ———— contains a just and true account of all the goods, wares, and merchandise imported by or consigned to me, in the ———— whereof ———— is master, from ————; that the invoice and entry which I now produce contain a just and faithful account of the actual cost of the said goods, wares, and merchandise and include and specifies the value of all cartons, cases, crates, boxes, sacks, and coverings of any kind, and all other costs, charges, and expenses incident to placing said goods, wares, and merchandise in condition, packed ready for shipment to the United States, and no other discount, drawback, or bounty but such as has been actually allowed on the same; that I do not know nor believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them. And I further solemnly and truly declare that I have not in the said entry or invoice concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; that to the best of my knowledge and belief the said invoice and the declaration thereon are in all respects true, and were made by the person by whom the same purports to have been made; and that if at any time hereafter I discover any error in the said invoice or in the account now produced of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district.

**1023. DECLARATION OF MANUFACTURER OR OWNER IN CASES WHERE MERCHANDISE HAS NOT BEEN ACTUALLY PURCHASED.**

I, ————, do solemnly and truly declare that I am the owner (or manufacturer) of the merchandise described in the annexed entry and invoice; that the entry now delivered by me to the collector of ————

contains a just and true account of all the goods, wares, and merchandise imported by or consigned to me in the \_\_\_\_\_, whereof \_\_\_\_\_ is master, from \_\_\_\_\_; that the said goods, wares, and merchandise were not actually bought by me, or by my agent, in the ordinary mode of bargain and sale, but that nevertheless the invoice which I now produce contains a just and faithful valuation of the same, at their actual market value or wholesale price, at the time of exportation to the United States, in the principal markets of the country from whence imported for my account (or for account of myself or partners); that such actual market value is the price at which the merchandise described in the invoice is freely offered for sale to all purchasers in said markets, and is the price which I would have received and was willing to receive for such merchandise sold in the ordinary course of trade in the usual wholesale quantities; that the said invoice contains also a just and faithful account of all the cost of finishing said goods, wares, and merchandise to their present condition, and includes and specifies, the value of all cartons, cases, crates, boxes, sacks, and coverings of any kind, and all other costs and charges incident to placing said goods, wares, and merchandise in condition packed ready for shipment to the United States, and no other discount, drawback, or bounty but such as has been actually allowed on the said goods, wares, and merchandise; that the said invoice and the declaration thereon are in all respects true, and were made by the person by whom the same purports to have been made; that I do not know nor believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them. And I do further solemnly and truly declare that I have not in the said entry or invoice concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; and that if at any time hereafter I discover any error in the said invoice, or in the account now produced of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district.

1024. SEC. 6. That any person who shall knowingly make any false statement in the declarations provided for in the preceding section, or shall aid or procure the making of any such false statement as to any matter material thereto, shall, on conviction thereof, be punished by a fine not exceeding five thousand dollars, or by imprisonment at hard labor not more than two years, or both, in the discretion of the court:

*Provided*, That nothing in this section shall be construed to relieve imported merchandise from forfeiture by reason of such false statement or for any cause elsewhere provided for by law.

1025. SEC. 7. That the owner, consignee, or agent of any imported merchandise which has been actually purchased, may, at the time when he shall make and verify his written entry of such merchandise, but not afterwards, make such addition in the entry to the cost or value given

in the invoice, or pro forma invoice, or statement in form of an invoice, which he shall produce with his entry, as in his opinion may raise the same to the actual market value or wholesale price of such merchandise at the time of exportation to the United States, in the principal markets of the country from which the same has been imported;

But no such addition shall be made upon entry to the invoice value of any imported merchandise obtained otherwise than by actual purchase; and the collector within whose district any merchandise may be imported or entered, whether the same has been actually purchased or procured otherwise than by purchase, shall cause the actual market value or wholesale price of such merchandise to be appraised;

And if the appraised value of any article of imported merchandise shall exceed by more than ten per centum the value declared in the entry, there shall be levied, collected, and paid, in addition to the duties imposed by law on such merchandise, a further sum equal to two per centum of the total appraised value for each one per centum that such appraised value exceeds the value declared in the entry;

And the additional duties shall only apply to the particular article or articles in each invoice which are undervalued;

And if such appraised value shall exceed the value declared in the entry more than forty per centum, such entry may be held to be presumptively fraudulent, and the collector of customs may seize such merchandise and proceed as in cases of forfeiture for violations of the customs laws;

And in any legal proceedings which may result from such seizure the fact of such undervaluation shall be presumptive evidence of fraud, and the burden of proof shall be on the claimant to rebut the same, and forfeiture shall be adjudged unless he shall rebut said presumption of fraudulent intent by sufficient evidence:

*Provided*, That the forfeitures provided for in this section shall apply to the whole of the merchandise or the value thereof in the case or package containing the particular article or articles in each invoice which are undervalued:

*And provided further*, That all additional duties, penalties, or forfeitures, applicable to merchandise entered by a duly certified invoice shall be alike applicable to goods entered by a pro forma invoice or statement in form of an invoice. The duty shall not, however, be assessed upon an amount less than the invoice or entered value.

1026. SEC. 8. That when merchandise entered for customs duty has been consigned for sale by or on account of the manufacturer thereof,

to a person, agent, partner, or consignee in the United States, such person, agent, partner, or consignee shall, at the time of the entry of such merchandise, present to the collector of customs at the port where such entry is made, as a part of such entry, and in addition to the certified invoice or statement in the form of an invoice required by law, a statement signed by such manufacturer, declaring the cost of production of such merchandise, such cost to include all the elements of cost as stated in section eleven of this act.

When merchandise entered for customs duty has been consigned for sale by or on account of a person other than the manufacturer of such merchandise, to a person, agent, partner, or consignee in the United States, such person, agent, partner, or consignee shall at the time of the entry of such merchandise present to the collector of customs at the port where such entry is made, as a part of such entry, a statement signed by the consignor thereof, declaring that the merchandise was actually purchased by him or for his account, and showing the time when, the place where, and from whom he purchased the merchandise, and in detail the price he paid for the same:

*Provided*, That the statements required by this section shall be made in triplicate, and shall bear the attestation of the consular officer of the United States resident within the consular district wherein the merchandise was manufactured, if consigned by the manufacturer or for his account, or from whence it was imported when consigned by a person other than a manufacturer, one copy thereof to be delivered to the person making the statement, one copy to be transmitted with the triplicate invoice of the merchandise to the collector of the port in the United States to which the merchandise is consigned, and the remaining copy to be filed in the consulate.

1027. SEC. 9. That if any owner, importer, consignee, agent, or other person shall make or attempt to make any entry of imported merchandise by means of any fraudulent or false invoice, affidavit, letter, paper, or by means of any false statement, written or verbal, or by means of any false or fraudulent practice or appliance whatsoever, or shall be guilty of any willful act or omission by means whereof the United States shall be deprived of the lawful duties, or any portion thereof, accruing upon the merchandise, or any portion thereof, embraced or referred to in such invoice, affidavit, letter, paper, or statement, or affected by such act or omission, such merchandise, or the value thereof, to be recovered from the person making the entry, shall be forfeited, which forfeiture shall only apply to the whole of the merchandise or

the value thereof in the case or package containing the particular article or articles of merchandise to which such fraud or false paper or statement relates;

And such person shall, upon conviction, be fined for each offense a sum not exceeding five thousand dollars, or be imprisoned for a time not exceeding two years, or both, in the discretion of the court.

1028. SEC. 10. That it shall be the duty of the appraisers of the United States, and every of them, and every person who shall act as such appraiser, or of the collector, as the case may be, by all reasonable ways and means in his or their power to ascertain, estimate, and appraise (any invoice or affidavit thereto or statement of cost, or of cost of production to the contrary notwithstanding) the actual market value and wholesale price of the merchandise at the time of exportation to the United States, in the principal markets of the country whence the same has been imported, and the number of yards, parcels, or quantities, and actual market value or wholesale price of every of them, as the case may require.

1029. SEC. 11. That when the actual market value, as herein defined, of any article of imported merchandise wholly or partially manufactured and subject to ad valorem duty, or to duty based in whole or in part on value, can not be ascertained to the satisfaction of the appraising officer, the appraiser or appraisers shall use all available means to ascertain the cost of production of such merchandise at the time of exportation to the United States, and at the place of manufacture; such cost of production to include cost of materials and of fabrication, all general expenses covering each and every outlay of whatsoever nature incident to such production, together with the expense of preparing and putting up such merchandise ready for shipment, and an addition of eight per cent. upon the total cost as thus ascertained.

And in no such case shall such merchandise be appraised upon original appraisal or re-appraisal at less than the total cost of production as thus ascertained.

[Sections 12-18 omitted.]

1030. SEC. 19. That whenever imported merchandise is subject to an ad valorem rate of duty, or to a duty based upon or regulated in any manner by the value thereof, the duty shall be assessed upon the actual market value or wholesale price of such merchandise as bought and sold in usual wholesale quantities, at the time of exportation to the United States, in the principal markets of the country from whence imported, and in the condition in which such merchandise is there bought and



sold for exportation to the United States, or consigned to the United States for sale, including the value of all cartons, cases, crates, boxes, sacks, and coverings of any kind, and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, and if there be used for covering or holding imported merchandise, whether dutiable or free, any unusual article or form designed for use otherwise than in the bona fide transportation of such merchandise to the United States, additional duty shall be levied and collected upon such material or article at the rate to which the same would be subject if separately imported.

That the words "value" or "actual market value" whenever used in this act or in any law relating to the appraisement of imported merchandise shall be construed to mean the actual market value or wholesale price as defined in this section.

1031. SEC. 26. That any person who shall give, or offer to give or promise to give any money or thing of value, directly or indirectly, to any officer or employee of the United States in consideration of or for any act or omission contrary to law in connection with or pertaining to the importation, appraisement, entry, examination, or inspection of goods, wares, or merchandise including herein any baggage, or of the liquidation of the entry thereof, or shall by threats or demands, or promises of any character attempt to improperly influence or control any such officer or employee of the United States as to the performance of his official duties shall, on conviction thereof, be fined not exceeding two thousand dollars, or be imprisoned at hard labor not more than one year, or both, in the discretion of the court;

And evidence of such giving, or offering, or promising to give, satisfactory to the court in which such trial is had, shall be regarded as prima facie evidence that such giving or offering or promising was contrary to law, and shall put upon the accused the burden of proving that such act was innocent, and not done with an unlawful intention.

1032. SEC. 27. That any officer or employee of the United States who shall, excepting for lawful duties or fees, solicit, demand, exact or receive from any person, directly or indirectly, any money or thing of value, in connection with or pertaining to the importation, appraisement, entry, examination, or inspection of goods, wares, or merchandise, including herein any baggage, or liquidation of the entry thereof, on conviction thereof, shall be fined not exceeding five thousand dollars, or be imprisoned at hard labor not more than two years, or both, in the discretion of the court.

And evidence of such soliciting, demanding, exacting, or receiving, satisfactory to the court in which such trial is had, shall be regarded as prima facie evidence that such soliciting, demanding, exacting, or receiving was contrary to law, and shall put upon the accused the burden of proving that such act was innocent and not with an unlawful intention.

1033. SEC. 28. That any baggage or personal effects arriving in the United States in transit to any foreign country may be delivered by the parties having it in charge to the collector of the proper district, to be by him retained, without the payment or exaction of any import duty, or to be forwarded by such collector to the collector of the port of departure and to be delivered to such parties on their departure for their foreign destination, under such rules and regulations as the Secretary of the Treasury may prescribe.

[Sections 29 and 30 omitted.]

DISCRIMINATION AGAINST PRODUCTS OF UNITED STATES—PRESIDENT  
MAY RETALIATE.

1034. SEC. 5. That whenever the President shall be satisfied that unjust discriminations are made by or under the authority of any foreign state against the importation to or sale in such foreign state of any product of the United States, he may direct that such products of such foreign state so discriminating against any product of the United States as he may deem proper shall be excluded from importation to the United States; and in such case he shall make proclamation of his direction in the premises, and therein name the time when such direction against importation shall take effect, and after such date the importation of the articles named in such proclamation shall be unlawful. The President may at any time revoke, modify, terminate, or renew any such direction as, in his opinion, the public interest may require. [26 Stat., 415.]

TARIFF ACT OF AUGUST 28, 1894.

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1035. 166. Lead in pigs and bars, molten and old refuse lead run into blocks and bars, and old scrap lead fit only to be remanufactured, one cent per pound:

*Provided*, That in case any foreign country shall impose an export duty upon lead ore or lead dross or silver ores containing lead, exported

to the United States from such country, then the duty upon such ores and lead in pigs and bars, molten and old refuse lead run into blocks and bars, and old scrap lead fit only to be remanufactured, herein provided for, when imported from such country, shall remain the same as fixed by the law in force prior to the passage of this Act.

\* \* \* \* \*

1036. 1824. There shall be levied, collected, and paid on all sugars and on all tank bottoms, sirups of cane juice or of beet juice, melada, concentrated melada, concrete and concentrated molasses, a duty of forty per centum ad valorem,

and upon all sugars above number sixteen Dutch standard in color and upon all sugars which have been discolored there shall be levied, collected, and paid a duty of one-eighth of one cent per pound in addition to the said duty of forty per centum ad valorem;

and all sugars, tank bottoms, sirups of cane juice or of beet juice, melada, concentrated melada, concrete or concentrated molasses, which are imported from or are the product of any country which at the time the same are exported therefrom pays, directly or indirectly, a bounty on the export thereof, shall pay a duty of one-tenth of one cent per pound in addition to the foregoing rates:

*Provided*, That the importer of sugar produced in a foreign country, the Government of which grants such direct or indirect bounties, may be relieved from this additional duty under such regulations as the Secretary of the Treasury may prescribe, in case said importer produces a certificate of said Government that no indirect bounty has been received upon said sugar in excess of the tax collected upon the beet or cane from which it was produced, and that no direct bounty has been or shall be paid:

*Provided further*, That nothing herein contained shall be so construed as to abrogate or in any manner impair or affect the provisions of the treaty of commercial reciprocity concluded between the United States and the King of the Hawaiian Islands on the thirtieth day of January, eighteen hundred and seventy-five, or the provisions of any Act of Congress heretofore passed for the execution of the same.

That there shall be levied, collected, and paid on molasses testing above forty degrees and not above fifty-six degrees polariscope, a duty of two cents per gallon;

if testing above fifty-six degrees polariscope, a duty of four cents per gallon.

\* \* \* \* \*

1037. 185. Filler tobacco, unstemmed, imported in any bale, box, package, or in bulk, thirty-five cents per pound;  
if stemmed, fifty cents per pound:

*Provided*, That the term wrapper tobacco, whenever used in this Act shall be taken to mean that quality of leaf tobacco known commercially as wrapper tobacco:

*Provided further*, That the term filler tobacco, whenever used in this Act, shall be taken to mean all leaf tobacco unmanufactured, not commercially known as wrapper tobacco:

*Provided further*, That if any leaf tobacco imported in any bale, box, package, or in bulk shall be the growth of different countries, or shall differ in quality and value, save as provided in the succeeding provision, then the entire contents of such bale, box, package, or in bulk shall be subject to the same duty as wrapper tobacco: *Provided further*, That if any bale, box, package, or bulk of leaf tobacco of uniform quality contains exceeding fifteen per centum thereof of leaves suitable in color, fineness of texture, and size for wrappers for cigars, then the entire contents of such bale, box, package, or bulk shall be subject to the same duty as wrapper tobacco:

*Provided further*, That collectors shall not permit entry to be made, except under regulations to be prescribed by the Secretary of the Treasury, of any leaf tobacco imported in any bale, box, package, or in bulk, unless the invoices covering the same shall specify in detail the character of the leaf tobacco in such bale, box, package, or in bulk, whether wrapper or filler tobacco, Quebrado or self-working bales, as the case may be:

*And provided further*, That in the examination for classification of any invoice of imported leaf tobacco at least one bale if less than ten bales, and one bale in every ten bales and more, if deemed necessary by the appraising officer, shall be examined by the appraiser or person authorized by law to make such examination, and for the purpose of fixing the classification and amount of duty chargeable on such invoice of leaf tobacco the examination of ten hands out of each examined bale thereof shall be taken to be a legal examination.

\* \* \* \* \*

1038. 216. Oranges, lemons, and limes, in packages, at the rate of eight cents per cubic foot of capacity;

in bulk, one dollar and fifty cents per one thousand;

and in addition thereto a duty of thirty per centum ad valorem upon the boxes or barrels containing such oranges, lemons, or limes:

*Provided*, That the thin-wood, so called, comprising the sides, tops

and bottoms of orange and lemon boxes of the growth and manufacture of the United States, exported as orange and lemon box shooks, may be reimported in complete form, filled with oranges and lemons, by the payment of duty at one half the rate imposed on similar boxes of entirely foreign growth and manufacture.

\* \* \* \* \*

1039. 373. Any animal imported specially for breeding purposes shall be admitted free:

*Provided*, That no such animal shall be admitted free unless pure-bred of a recognized breed, and duly registered in the book of record established for that breed,

and the Secretary of the Treasury may prescribe such additional regulations as may be required for the strict enforcement of this provision.

Cattle, horses, sheep, or other domestic animals which have strayed across the boundary line into any foreign country, or have been or may be driven across such boundary line by the owner for pasturage purposes, together with their increase, may be brought back to the United States free of duty under regulations to be prescribed by the Secretary of the Treasury.

1040. 374. Animals brought into the United States temporarily for a period not exceeding six months, for the purpose of exhibition or competition for prizes offered by any agricultural or racing association;

but a bond shall be given in accordance with regulations prescribed by the Secretary of the Treasury;

also, teams of animals, including their harness and tackle and the wagons or other vehicles actually owned by persons emigrating from foreign countries to the United States with their families, and in actual use for the purpose of such emigration under such regulations as the Secretary of the Treasury may prescribe;

and wild animals intended for exhibition in zoological collections for scientific and educational purposes, and not for sale or profit.

\* \* \* \* \*

1041. 387. Articles the growth, produce, and manufacture of the United States, when returned after having been exported, without having been advanced in value or improved in condition by any process of manufacture or other means;

casks, barrels, carboys, bags, and other vessels of American manufacture exported filled with American products, or exported empty and returned filled with foreign products, including shooks when returned as barrels or boxes:

also quicksilver flasks or bottles, of either domestic or foreign manufacture, which shall have been actually exported from the United States;

but proof of the identity of such articles shall be made, under general regulations to be prescribed by the Secretary of the Treasury,

but the exemption of bags from duty shall apply only to such domestic bags as may be imported by the exporter thereof,

and if any such articles are subject to internal tax at the time of exportation such tax shall be proved to have been paid before exportation and not refunded:

*Provided*, That this paragraph shall not apply to any article upon which an allowance of drawback has been made, the reimportation of which is hereby prohibited except upon payment of duties equal to the drawbacks allowed;

or to any article manufactured in bonded warehouse and exported under any provision of law:

*And provided further*, That when manufactured tobacco which has been exported without payment of internal-revenue tax shall be reimported it shall be retained in the custody of the collector of customs until internal-revenue stamps in payment of the legal duties shall be placed thereon.

\* \* \* \* \*

1042. 555. Mineral waters, all not artificial, and mineral salts of the same, obtained by evaporation, when accompanied by duly authenticated certificate, showing that they are in no way artificially prepared, and are the product of a designated mineral spring;

lemonade, soda-water, and all similar waters.

1043. 568. OILS (30): Almond, amber, crude and rectified ambergris, anise or anise seed, aniline, aspic or spike lavender, bergamot, cajeput, caraway, cassia, cinnamon, cedrat, chamomile, citronella or lemon grass, civet, cotton seed, croton, fennel, Jasmine or Jasimine, Juglandium, Juniper, lavender, lemon, limes, mace, neroli or orange flower, enfleurage grease, nut oil or oil of nuts not otherwise specially provided for in this Act, orange oil, olive oil for manufacturing or mechanical purposes unfit for eating and not otherwise provided for in this Act, otar of roses, palm and cocoanut, rosemary or anthoss, sesame or sesamum seed or bean, thyme, origanum red or white, valerian;

and also spermaceti, whale, and other fish oils of American fisheries, and all fish and other products, of such fisheries;

petroleum, crude or refined:

*Provided*, That if there be imported into the United States crude

petroleum, or the products of crude petroleum produced in any country which imposes a duty on petroleum or its products exported from the United States, there shall be levied, paid and collected upon said crude petroleum or its products so imported, forty per centum ad valorem.

\* \* \* \* \*

1044. 575. Paintings, in oil or water colors, original drawings and sketches,

and artists' proofs of etchings and engravings,  
and statuary,

not otherwise provided for in this Act,

but the term "statuary" as herein used shall be understood to include only professional productions, whether round or in relief, in marble, stone, alabaster, wood, or metal, of a statuary or sculptor,

and the word "painting," as used in this Act, shall not be understood to include such as are made wholly or in part by stenciling or other mechanical process.

\* \* \* \* \*

1045. 591. Plows, tooth and disk harrows, harvesters, reapers, agricultural drills, and planters, mowers, horserakes, cultivators, threshing machines and cotton gins:

*Provided*, That all articles mentioned in this paragraph if imported from a country which lays an import duty on like articles imported from the United States, shall be subject to the duties existing prior to the passage of this Act.

\* \* \* \* \*

1046. 608. Salt in bulk, and salt in bags, sacks, barrels, or other packages, but the coverings shall pay the same rate of duty as if imported separately: *Provided*, That if salt is imported from any country whether independent or a dependency which imposes a duty upon salt exported from the United States, then there shall be levied, paid, and collected upon such salt the rate or duty existing prior to the passage of this Act.

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1047. 643. Sulphuric acid:

*Provided*, That upon sulphuric acid imported from any country, whether independent or a dependency, which imposes a duty upon sulphuric acid exported from the United States, there shall be levied, and collected the rate of duty existing prior to the passage of this Act.

\* \* \* \* \*

1048. 669. Wearing apparel and other personal effects (not merchandise) of persons arriving in the United States;

but this exemption shall not be held to include articles not actually in

use and necessary and appropriate for the use of such persons for the purposes of their journey and present comfort and convenience, or which are intended for any other person or persons, or for sale.

\* \* \* \* \*

1049. 686. Works of art, the production of American artists residing temporarily abroad, or other works of art, including pictorial paintings on glass, imported expressly for presentation to a national institution, or to any State or municipal corporation, or incorporated religious society, college, or other public institution, including stained or painted window glass or stained or painted glass windows;

but such exemption shall be subject to such regulations as the Secretary of the Treasury may prescribe.

\* \* \* \* \*

1050. SEC. 5. That all articles of foreign manufacture, such as are usually or ordinarily marked, stamped, branded, or labeled, and all packages containing such or other imported articles, shall, respectively, be plainly marked, stamped, branded, or labeled in legible English words, so as to indicate the country of their origin and the quantity of their contents;

and until so marked, stamped, branded, or labeled they shall not be delivered to the importer

should any article of imported merchandise be marked, stamped, branded, or labeled so as to indicate a quantity, number, or measurement in excess of the quantity, number, or measurement actually contained in such article, no delivery of the same shall be made to the importer until the mark, stamp, brand, or label, as the case may be, shall be changed so as to conform to the facts of the case.

\* \* \* \* \*

1051. SEC. 15. That no goods, wares or merchandise, unless in cases provided for by treaty, shall be imported into the United States from any foreign port or place, except in vessels of the United States, or in such foreign vessels as truly and wholly belong to the citizens or subjects of that country of which the goods are the growth, production, or manufacture, or from which such goods, wares, or merchandise can only be, or most usually are, first shipped for transportation.

All goods, wares, or merchandise imported contrary to this section, and the vessel wherein the same shall be imported, together with her cargo, tackle, apparel, and furniture, shall be forfeited to the United States;

and such goods, wares, or merchandise, ship, or vessel, and cargo shall be liable to be seized, prosecuted, and condemned in like manner, and



under the same regulations, restrictions, and provisions as have been heretofore established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws.

SEC. 16. That the preceding section shall not apply to vessels or goods, wares, or merchandise imported in vessels of a foreign nation which does not maintain a similar regulation against vessels of the United States.

\* \* \* \* \*

1052. SEC. 24. That all goods, wares, articles, and merchandise manufactured wholly or in part in any foreign country by convict labor shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited.

\* \* \* \* \*

1053. SEC. 25. That the value of foreign coin as expressed in the money of account of the United States shall be that of the pure metal of such coin of standard value:

and the values of the standard coins in circulation of the various nations of the world shall be estimated quarterly by the Director of the Mint, and be proclaimed by the Secretary of the Treasury immediately after the passage of this Act and thereafter quarterly on the first day of January, April, July, and October in each year.

And the values so proclaimed shall be followed in estimating the value of all foreign merchandise exported to the United States during the quarter for which the value is proclaimed, and the date of the consular certification of any invoice shall, for the purposes of this section, be considered the date of exportation:

*Provided,* That the Secretary of the Treasury may order the reliquidation of any entry at a different value, whenever satisfactory evidence shall be produced to him showing that the value in United States currency of the foreign money specified in the invoice was, at the date of certification, at least ten per centum more or less than the value proclaimed during the quarter in which the consular certification occurred.

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## TITLE XL.

### THE PUBLIC MONEYS.

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1054. SEC. 3618. All proceeds of sales of old material, condemned stores, supplies, or other public property of any kind, except the proceeds of the sale or leasing of marine hospitals, or of the sales of revenue-cutters, or of the sales of commissary stores to the officers and enlisted

men of the Army, [or of materials, stores, or supplies sold to officers and soldiers of the Army] or of the sale of condemned Navy clothing, or of sales of materials, stores, or supplies to any exploring or surveying expedition authorized by law, shall be deposited and covered into the Treasury as miscellaneous receipts, on account of "proceeds of Government property," and shall not be withdrawn or applied, except in consequence of a subsequent appropriation made by law.

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## TITLE XLVI.

### THE POSTAL SERVICE.

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1055. SEC. 4014. The Postmaster-General or the Secretary of State is hereby authorized to empower the consuls of the United States to pay the foreign postage on such letters destined for the United States as may be detained at the ports of foreign countries for the non-payment of postage, which postage shall be by the consul marked as paid by him, and the amount thereof shall be collected in the United States as other postage, on the delivery of the letters, and repaid to said consul, or credited on his account at the State Department.

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## TITLE XLVII.

(Secs. 4062-4130.)

### FOREIGN RELATIONS.

1056. SEC. 4071. The testimony of any witness residing within the United States, to be used in any suit for the recovery of money or property depending in any court in any foreign country with which the United States are at peace, and in which the government of such foreign country shall be a party or shall have an interest, may be obtained, to be used in such suit. If a commission or letters rogatory to take such testimony, together with specific written interrogatories, accompanying the same, and addressed to such witness, shall have been issued from the court in which such suit is pending, on producing the same before

the district judge of any district where the witness resides or shall be found, and on due proof being made to such judge that the testimony of any witness is material to the party desiring the same, such judge shall issue a summons to such witness requiring him to appear before the officer or commissioner named in such commission or letters rogatory, to testify in such suit. And no witness shall be compelled to appear or to testify under this section except for the purpose of answering such interrogatories so issued and accompanying such commission or letters: *Provided*, That when counsel for all the parties attend the examination, they may consent that questions in addition to those accompanying the commission or letters rogatory may be put to the witness, unless the commission or letters rogatory exclude such additional interrogatories. The summons shall specify the time and place at which the witness is required to attend, which place shall be within one hundred miles of the place where the witness resides or shall be served with such summons. [See § 875.]

1057. SEC. 4072. No witness shall be required, on such examination or any other under letters rogatory, to make any disclosure or discovery which shall tend to criminate him either under the laws of the State or Territory within which such examination is had, or any other, or any foreign state.

1058. SEC. 4073. If any person shall refuse or neglect to appear at the time and place mentioned in the summons issued, in accordance with section forty hundred and seventy-one, or if upon his appearance he shall refuse to testify, he shall be liable to the same penalties as would be incurred for a like offense on the trial of a suit in the district court of the United States.

1059. SEC. 4074. Every witness who shall so appear and testify shall be allowed, and shall receive from the party at whose instance he shall have been summoned, the same fees and mileage as are allowed to witnesses in suits depending in the district courts of the United States. [See § 875.]

1060. SEC. 4075. The Secretary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by such diplomatic or consular officers of the United States, and under such rules as the President shall designate and prescribe for and on behalf of the United States; and no other person shall grant, issue, or verify any such passport. Where a legation of the United States is established in any country, no person other than the diplomatic representative of the United States at such place shall be permitted to grant

or issue any passport, except in the absence thereof of such representative. [See § 212.]

1061. SEC. 4076. No passport shall be granted or issued to or verified for any other persons than citizens of the United States.

1062. SEC. 4077. All persons who shall be authorized to grant, issue, or verify passports, shall make return of the same to the Secretary of State, in such manner and as often as he shall require; and such returns shall specify the names and all other particulars of the persons to whom the same shall be granted, issued, or verified, as embraced in such passport.

1063. SEC. 4078. If any person acting, or claiming to act, in any office or capacity, under the United States, or any of the States of the United States, who shall not be lawfully authorized so to do, shall grant, issue, or verify any passport or other instrument in the nature of a passport, to or for any citizen of the United States, or to or for any person claiming to be or designated as such in such passport or verification, or if any consular officer who shall be authorized to grant, issue, or verify passports shall knowingly and willfully grant, issue, or verify any such passport to or for any person not a citizen of the United States, he shall be imprisoned for not more than one year, or fined not more than five hundred dollars, or both; and may be charged, proceeded against, tried, convicted, and dealt with therefor in the district where he may be arrested or in custody.

1064. SEC. 4079. Whenever it is stipulated by treaty or convention between the United States and any foreign nation that the consul-general, consuls, vice-consuls, or consular or commercial agents of each nation, shall have exclusive jurisdiction of controversies, difficulties, or disorders arising at sea or in the waters or ports of the other nation, between the master or officers and any of the crew, or between any of the crew themselves, of any vessel belonging to the nation represented by such consular officer, such stipulations shall be executed and enforced within the jurisdiction of the United States as hereinafter declared. But before this section shall take effect as to the vessels of any particular nation having such treaty with the United States, the President shall be satisfied that similar provisions have been made for the execution of such treaty by the other contracting party, and shall issue his proclamation to that effect, declaring this section to be in force as to such nation. [See § 5280.]

1065. SEC. 4080. In all cases within the purview of the preceding section the consul-general, consul, or other consular or commercial authority

of such foreign nation charged with the appropriate duty in the particular case, may make application to any court of record of the United States, or to any judge thereof, or to any commissioner of a circuit court, setting forth that such controversy, difficulty, or disorder has arisen, briefly stating the nature thereof, and when and where the same occurred, and exhibiting a certified copy or extract of the shipping-articles, roll, or other proper paper of the vessel, to the effect that the person in question is of the crew or ship's company of such vessel; and further stating and certifying that such person has withdrawn himself, or is believed to be about to withdraw himself, from the control and discipline of the master and officers of the vessel, or that he has refused, or is about to refuse, to submit to and obey the lawful jurisdiction of such consular or commercial authority in the premises; and further stating and certifying that, to the best of the knowledge and belief of the officer certifying, such person is not a citizen of the United States. Such application shall be in writing and duly authenticated by the consular or other sufficient official seal. Thereupon such court, judge, or commissioner shall issue his warrant for the arrest of the person so complained of, directed to the marshal of the United States for the appropriate district, or in his discretion to any person, being a citizen of the United States, whom he may specially depute for the purpose, requiring such person to be brought before him for examination at a certain time and place.

1066. SEC. 4081. If, on such examination, it is made to appear that the person so arrested is a citizen of the United States, he shall be forthwith discharged from arrest, and shall be left to the ordinary course of law. But if this is not made to appear, and such court, judge, or commissioner finds, upon the papers hereinbefore referred to, a sufficient prima-facie case that the matter concerns only the internal order and discipline of such foreign vessel, or, whether in its nature civil or criminal, does not affect directly the execution of the laws of the United States, or the rights and duties of any citizen of the United States, he shall forthwith, by his warrant, commit such person to prison, where prisoners under sentence of a court of the United States may be lawfully committed, or, in his discretion, to the master or chief officer of such foreign vessel, to be subject to the lawful orders, control, and discipline of such master or chief officer, and to the jurisdiction of the consular or commercial authority of the nation to which such vessel belongs, to the exclusion of any authority or jurisdiction in the premises of the United States or any State thereof. No person shall be detained more than two months after

his arrest, but at the end of that time shall be set at liberty and shall not again be arrested for the same cause. The expenses of the arrest and the detention of the person so arrested shall be paid by the consular officers making the application.

1067. SEC. 4082. Marriages in presence of any consular officer of the United States in a foreign country, between persons who would be authorized to marry if residing in the District of Columbia, shall be valid to all intents and purposes, and shall have the same effect as if solemnized within the United States. And such consular officers shall, in all cases, give to the parties married before them a certificate of such marriage, and shall send another certificate thereof to the Department of State, there to be kept; such certificates shall specify the names of the parties, their ages, places of birth, and residence.

1068. SEC. 4083. To carry into full effect the provisions of the treaties of the United States with China, Japan, Siam, Egypt, and Madagascar, respectively, the minister and the consuls of the United States, duly appointed to reside in each of those countries, shall, in addition to other powers and duties imposed upon them, respectively, by the provisions of such treaties, respectively, be invested with the judicial authority herein described, which shall appertain to the office of minister and consul, and be a part of the duties belonging thereto, wherein, and so far as, the same is allowed by treaty.

1069. SEC. 4084. The officers mentioned in the preceding section are fully empowered to arraign and try, in the manner herein provided, all citizens of the United States charged with offenses against law, committed in such countries, respectively, and to sentence such offenders in the manner herein authorized; and each of them is authorized to issue all such processes as are suitable and necessary to carry this authority into execution.

1070. SEC. 4085. Such officers are also invested with all the judicial authority necessary to execute the provisions of such treaties, respectively, in regard to civil rights, whether of property or person; and they shall entertain jurisdiction in matters of contract, at the port where, or nearest to which, the contract was made, or at the port at which, or nearest to which, it was to be executed, and in all other matters, at the port where, or nearest to which, the cause of controversy arose, or at the port where, or nearest to which, the damage complained of was sustained, provided such port be one of the ports at which the United States are represented by consuls. Such jurisdiction shall embrace all

controversies between citizens of the United States, or others, provided for by such treaties, respectively.

1071. SEC. 4086. Jurisdiction in both criminal and civil matters shall, in all cases, be exercised and enforced in conformity with the laws of the United States, which are hereby, so far as is necessary to execute such treaties, respectively, and so far as they are suitable to carry the same into effect, extended over all citizens of the United States in those countries, and over all others to the extent that the terms of the treaties, respectively, justify or require. But in all cases where such laws are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies, the common law and the law of equity and admiralty shall be extended in like manner over such citizens and others in those countries; and if neither the common law, nor the law of equity or admiralty, nor the statutes of the United States, furnish appropriate and sufficient remedies, the ministers in those countries, respectively, shall, by decrees and regulations which shall have the force of law, supply such defects and deficiencies.

1072. SEC. 4087. Each of the consuls mentioned in section forty hundred and eighty-three, at the port for which he is appointed, is authorized upon facts within his own knowledge, or which he has good reason to believe true, or upon complaint made or information filed in writing and authenticated in such way as shall be prescribed by the minister, to issue his warrant for the arrest of any citizen of the United States charged with committing in the country an offense against law; and to arraign and try any such offender; and to sentence him to punishment in the manner herein prescribed.

1073. SEC. 4088. The consuls and commercial agents of the United States at islands or in countries not inhabited by any civilized people, or recognized by any treaty with the United States, are authorized to try, hear, and determine all cases in regard to civil rights, whether of person or property, where the real debt or damages do not exceed the sum of one thousand dollars, exclusive of costs, and upon full hearing of the allegations and evidence of both parties, to give judgment according to the laws of the United States, and according to the equity and right of the matter, in the same manner as justices of the peace are now authorized and empowered where the United States have exclusive jurisdiction. They are also invested with the powers conferred by the provisions of sections forty hundred and eighty-six and forty hundred and eighty-seven for trial of offenses or misdemeanors.

1074. SEC. 4089. Any consul when sitting alone may also decide all cases in which the fine imposed does not exceed five hundred dollars, or the term of imprisonment does not exceed ninety days; but in all such cases, if the fine exceeds one hundred dollars, or the term of imprisonment for misdemeanors exceeds sixty days, the defendants or any of them, if there be more than one, may take the case, by appeal, before the minister, if allowed jurisdiction, either upon errors of law or matters of fact, under such rules as may be prescribed by the minister for the prosecution of appeals in such cases.

1075. SEC. 4090. Capital cases for murder or insurrection against the government of either of the countries hereinbefore mentioned, by citizens of the United States, or for offenses against the public peace amounting to felony under the laws of the United States, may be tried before the minister of the United States in the country where the offense is committed if allowed jurisdiction; and every such minister may issue all manner of writs, to prevent the citizens of the United States from enlisting in the military or naval service of either of the said countries, to make war upon any foreign power with whom the United States are at peace, or in the service of one portion of the people against any other portion of the same people; and he may carry out this power by a resort to such force belonging to the United States, as may at the time be within his reach.

1076. SEC. 4091. Each of the ministers mentioned in section forty hundred and eighty-three shall, in the country to which he is appointed, be fully authorized to hear and decide all cases, criminal and civil, which may come before him, by appeal, under the provisions of this Title, and to issue all processes necessary to execute the power conferred upon him; and he is fully empowered to decide finally any case upon the evidence which comes up with it, or to hear the parties further, if he thinks justice will be promoted thereby; and he may also prescribe the rules upon which new trials may be granted, either by the consuls or by himself, if asked for upon sufficient grounds.

1077. SEC. 4092. On any final judgment in a consular court of China or Japan, where the matter in dispute exceeds five hundred dollars and does not exceed two thousand five hundred dollars, exclusive of costs, an appeal shall be allowed to the minister in such country, as the case may be. But the appellant shall comply with the conditions established by general regulations. And the ministers are hereby authorized and required to receive, hear, and determine such appeals.



1078. SEC. 4093. On any final judgment in any consular court of China or Japan, where the matter in dispute, exclusive of costs, exceeds the sum of two thousand five hundred dollars, an appeal shall be allowed to the circuit court for the district of California, and upon such appeal a transcript of the libel, bill, answer, depositions, and all other proceedings in the cause shall be transmitted to the circuit court, and no new evidence shall be received on the hearing of the appeal; and the appeal shall be subject to the rules, regulations, and restrictions prescribed in law for writs of error from district courts to circuit courts.

1079. SEC. 4094. On any final judgment of the minister to China, or to Japan, given in the exercise of original jurisdiction, where the matter in dispute, exclusive of costs, exceeds two thousand five hundred dollars, an appeal shall be allowed to the circuit court, as provided in the preceding section.

1080. SEC. 4095. When any final judgment of the minister to China, or to Japan, is given in the exercise of original or of appellate criminal jurisdiction, the person charged with the crime or offense, if he considers the judgment erroneous in point of law, may appeal therefrom to the circuit court for the district of California; but such appeal shall not operate as a stay of proceedings, unless the minister certifies that there is probable cause to grant the same, when the stay shall be such as the interests of justice may require.

1081. SEC. 4096. The circuit court for the district of California is authorized and required to receive, hear, and determine the appeals provided for in this Title, and its decisions shall be final.

1082. SEC. 4097. In all cases, criminal and civil, the evidence shall be taken down in writing in open court, under such regulations as may be made for that purpose; and all objections to the competency or character of testimony shall be noted, with the ruling in all such cases, and the evidence shall be part of the case.

1083. SEC. 4098. It shall be the duty of the ministers and the consuls in the countries mentioned in section forty hundred and eighty-three, to encourage the settlement of controversies of a civil character, by mutual agreement, or to submit them to the decision of referees agreed upon by the parties; and the minister in each country shall prepare a form of submission for such cases, to be signed by the parties, and acknowledged before the consul. When parties have so agreed to refer, the referees may, after suitable notice of the time and place of meeting for the trial, proceed to hear the case, and a majority of them shall have power to

decide the matter. If either party refuses or neglects to appear, the referees may proceed *ex parte*. After hearing any case such referees may deliver their award, sealed, to the consul, who, in court, shall open the same; and if he accepts it, he shall indorse the fact, and judgment shall be rendered thereon, and execution issue in compliance with the terms thereof. The parties, however, may always settle the same before return thereof is made to the consul.

1084. SEC. 4099. In all criminal cases which are not of a heinous character, it shall be lawful for the parties aggrieved or concerned therein, with the assent of the minister in the country, or consul, to adjust and settle the same among themselves, upon pecuniary or other considerations.

1085. SEC. 4100. The ministers and consuls shall be fully authorized to call upon the local authorities to sustain and support them in the execution of the powers confided to them by treaty, and on their part to do and perform whatever is necessary to carry the provisions of the treaties into full effect, so far as they are to be executed in the countries, respectively.

1086. SEC. 4101. In all cases, except as herein otherwise provided, the punishment of crime provided for by this title shall be by fine or imprisonment, or both, at the discretion of the officer who decides the case, but subject to the regulations herein contained, and such as may hereafter be made. It shall, however, be the duty of such officer to award punishment according to the magnitude and aggravation of the offense. Every person who refuses or neglects to comply with the sentence passed upon him shall stand committed until he does comply, or is discharged by order of the consul, with the consent of the minister in the country.

1087. SEC. 4102. Insurrection or rebellion against the government of either of those countries, with intent to subvert the same, and murder, shall be capital offenses, punishable with death; but no person shall be convicted of either of those crimes, unless the consul and his associates in the trial all concur in opinion, and the minister also approves of the conviction. But it shall be lawful to convict one put upon trial for either of these crimes, of a less offense of a similar character, if the evidence justifies it, and to punish, as for other offenses, by fine or imprisonment, or both.

1088. SEC. 4103. Whenever any person is convicted of either of the crimes punishable with death, in either of those countries, it shall be the duty of the minister to issue his warrant for the execution of the convict, appointing the time, place, and manner; but if the minister is

satisfied that the ends of public justice demand it, he may from time to time postpone such execution; and if he finds mitigating circumstances which authorize it, he may submit the case to the President for pardon.

1089. SEC. 4104. No fine imposed by a consul for a contempt committed in presence of the court, or for failing to obey a summons from the same, shall exceed fifty dollars; nor shall the imprisonment exceed twenty-four hours for the same contempt.

1090. SEC. 4105. Any consul, when sitting alone for the trial of offenses or misdemeanors, shall decide finally all cases where the fine imposed does not exceed one hundred dollars, or the term of imprisonment does not exceed sixty days.

1091. SEC. 4106. Whenever, in any case, the consul is of opinion that, by reason of the legal questions which may arise therein, assistance will be useful to him, or whenever he is of opinion that severer punishments than those specified in the preceding sections will be required, he shall summon, to sit with him on the trial, one or more citizens of the United States, not exceeding four, and in capital cases not less than four, who shall be taken by lot from a list which had previously been submitted to and approved by the minister, and shall be persons of good repute and competent for the duty. Every such associate shall enter upon the record his judgment and opinion, and shall sign the same; but the consul shall give judgment in the case. If the consul and his associates concur in opinion, the decision shall, in all cases, except of capital offenses and except as provided in the preceding section, be final. If any of the associates differ in opinion from the consul, the case, without further proceedings, together with the evidence and opinions, shall be referred to the minister for his adjudication, either by entering up judgment therein, or by remitting the same to the consul with instructions how to proceed therewith.

1092. SEC. 4107. Each of the consuls mentioned in section four thousand and eighty-three shall have at the port for which he is appointed, jurisdiction as herein provided, in all civil cases arising under such treaties, respectively, wherein the damages demanded do not exceed the sum of five hundred dollars; and, if he sees fit to decide the same without aid, his decision thereon shall be final. But whenever he is of opinion that any such case involves legal perplexities, and that assistance will be useful to him, or whenever the damages demanded exceed five hundred dollars, he shall summon, to sit with him on the hearing of the case, not less than two nor more than three citizens of the United States, if such are residing at the port, who shall be taken from a list which had

previously been submitted to and approved by the minister, and shall be of good repute and competent for the duty. Every such associate shall note upon the record his opinion, and also, in case he dissents from the consul, such reasons therefor as he thinks proper to assign; but the consul shall give judgment in the case. If the consul and his associates concur in opinion, the judgment shall be final. If any of the associates differ in opinion from the consul, either party may appeal to the minister, under such regulations as may exist; but if no appeal is lawfully claimed, the decision of the consul shall be final.

1093. SEC. 4108. The jurisdiction allowed by treaty to the ministers, respectively, in the countries named in section four thousand and eighty-three shall be exercised by them in those countries, respectively, wherever they may be.

1094. SEC. 4109. The jurisdiction of such ministers in all matters of civil redress, or of crimes, except in capital cases for murder or insurrection against the governments of such countries, respectively, or for offenses against the public peace amounting to felony under the laws of the United States, shall be appellate only: *Provided*, That in cases where a consular officer is interested, either as party or witness, such minister shall have original jurisdiction.

1095. SEC. 4110. All such officers shall be responsible for their conduct to the United States, and to the laws thereof, not only as diplomatic or consular officers, but as judicial officers, when they perform judicial duties, and shall be held liable for all negligences and misconduct as public officers.

1096. SEC. 4111. The President is authorized to appoint marshals for such of the consular courts in those countries as he may think proper, not to exceed seven in number, namely: one in Japan, four in China, one in Siam, and one in Turkey, each of whom shall receive a salary of one thousand dollars a year, in addition to the fees allowed by the regulations of the ministers, respectively, in those countries.

1097. SEC. 4112. It shall be the duty of the marshals, respectively, to execute all process issued by the minister of the United States in those countries, respectively, or by the consul at the port at which they reside, and to make due return thereof to the officer by whom it was issued, and to conform in all respects to the regulations prescribed by the ministers, respectively, in regard to their duties.

1098. SEC. 4113. Each marshal, before entering upon the duties of his office, shall give bond for the faithful performance thereof in a penal sum not to exceed ten thousand dollars, with two sureties to be approved

by the Secretary of State. Such bond shall be transmitted to the Secretary of the Treasury, and a certified copy thereof be lodged in the office of the minister.

1099. SEC. 4114. Whenever any person desires to bring suit upon the bond of any such marshal, it shall be the duty of the Secretary of the Treasury, or of the minister having custody of a copy of the same, to give to the person so applying a certified copy thereof, upon which suit may be brought and prosecuted with the same effect as could be done upon the original: *Provided*, The Secretary of the Treasury, or the minister to whom the application is made, is satisfied that there is probable cause of action against the marshal.

1100. SEC. 4115. Upon a plea of non est factum, verified upon oath, or any other good cause shown, the court or the consul or minister trying the cause may require the original bond of the marshal in those countries to be produced; and it shall be the duty of the Secretary of the Treasury to forward the original bond to the court, or consul, or minister requiring the same.

1101. SEC. 4116. All rules, orders, writs, and processes of every kind which are intended to operate or be enforced against any of the marshals, in any of the countries named in this Title, shall be directed to and executed by such persons as may be appointed for that purpose by the minister or consul issuing the same.

1102. SEC. 4117. In order to organize and carry into effect the system of jurisprudence demanded by such treaties, respectively, the ministers, with the advice of the several consuls in each of the countries, respectively, or of so many of them as can be conveniently assembled, shall prescribe the forms of all processes to be issued by any of the consuls; the mode of executing and the time of returning the same; the manner in which trials shall be conducted, and how the records thereof shall be kept; the form of oaths for Christian witnesses, and the mode of examining all other witnesses; the costs to be allowed to the prevailing party, and the fees to be paid for judicial services; the manner in which all officers and agents to execute process, and to carry this Title into effect, shall be appointed and compensated; the form of bail-bonds, and the security which shall be required of the party who appeals from the decision of a consul; and shall make all such further decrees and regulations from time to time, under the provisions of this Title, as the exigency may demand.

1103. SEC. 4118. All such regulations, decrees, and orders shall be plainly drawn up in writing, and submitted, as hereinbefore provided,

for the advice of the consuls, or as many of them as can be consulted without prejudicial delay or inconvenience, and such consul shall signify his assent or dissent in writing, with his name subscribed thereto. After taking such advice, and considering the same, the minister in each of those countries may, nevertheless, by causing the decree, order, or regulation to be published with his signature thereto, and the opinions of his advisers inscribed thereon, make it binding and obligatory, until annulled or modified by Congress; and it shall take effect from the publication or any subsequent day thereto named in the act.

1104. SEC. 4119. All such regulations, orders, and decrees shall, as speedily as may be after publication, be transmitted by the ministers, with the opinions of their advisers, as drawn up by them severally, to the Secretary of State, to be laid before Congress for revision.

1105. SEC. 4120. It shall be the duty of the minister in each of those countries to establish a tariff of fees for judicial services, which shall be paid by such parties, and to such persons, as the minister shall direct; and the proceeds shall, as far as is necessary, be applied to defray the expenses incident to the execution of this Title; and regular accounts, both of receipts and expenditures, shall be kept by the minister and consuls and transmitted annually to the Secretary of State.

1106. SEC. 4121. The President, when provision is not otherwise made, is authorized to allow, in the adjustment of the accounts of each of the ministers or consuls, the actual expenses of the rent of suitable buildings or parts of buildings to be used as prisons for American convicts in those countries, not to exceed in any case the rate of six hundred dollars a year; and also the wages of the keepers of the same, and for the care of offenders, not to exceed, in any case, the sum of eight hundred dollars per annum. But no more than one prison shall be hired in Japan, four in China, one in Turkey, and one in Siam, at such port or ports as the minister, with the sanction of the President, may designate, and the entire expense of prison and prison-keepers at the consulate of Bangkok, in Siam, shall not exceed the sum of one thousand dollars a year.

1107. SEC. 4122. The President is authorized to allow, in the adjustment of the accounts of the consul-general at Shanghai, the actual expense of the rent of a suitable building, to be used as a prison for American convicts in China, not to exceed one thousand five hundred dollars a year; and also the wages of the keepers of the same, and for the care of offenders, not to exceed five thousand dollars a year; and to allow, in the adjustment of the accounts of the consuls at other ports in

China, the actual expense of the hire of constables and the care of offenders, not to exceed in all five thousand dollars a year.

1108. SEC. 4123. The President is hereby authorized to allow, in the adjustment of the accounts of the consul at Kanagawa, the actual expense of the rent of a suitable building, to be used as a prison for American convicts in Japan, and not to exceed seven hundred and fifty dollars a year; and also the wages of the keepers of the same, and for the care of offenders, not to exceed two thousand five hundred dollars a year; and to allow in the adjustment of the accounts of the consuls at other ports in Japan the actual expense of the hire of constables and the care of offenders, not to exceed in all two thousand five hundred dollars a year.

1109. SEC. 4124. The Secretary of State, through the minister resident at Japan, is authorized to rent, furnish, and keep suitable buildings, with grounds appurtenant, in Jeddo, or such other place as he may designate, for a court-house and jail, at an annual cost not exceeding five thousand dollars: *Provided*, That the period for which the buildings shall be rented shall be for two years, with renewals for two years, as the Secretary of State may determine.

1110. SEC. 4125. The provisions of this Title, so far as the same relate to crimes and offenses committed by citizens of the United States, shall extend to Turkey, under the treaty with the Sublime Porte of May seventh, eighteen hundred and thirty, and shall be executed in the Ottoman dominions in conformity with the provisions of the treaty, and of this Title, by the minister and the consuls appointed to reside therein, who are hereby *ex officio* vested with the powers herein conferred upon the ministers and consuls in China, for the purposes above expressed, so far as regards the punishment of crime, and also for the exercise of jurisdiction in civil cases wherein the same is permitted by the laws of Turkey, or its usages in its intercourse with the Franks, or other foreign Christian nations.

1111. SEC. 4126. The provisions of this Title shall extend to Persia, in respect to all suits and disputes which may arise between citizens of the United States therein; and the minister and consuls who may be appointed to reside in Persia are hereby invested, in relation to such suits and disputes, with such powers as are by this Title conferred upon the ministers and consuls in China. All suits and disputes arising in Persia between Persian subjects and citizens of the United States shall be carried before the Persian tribunal to which such matters are usually referred, at the place where a consul or agent of the United States may

reside, and shall be discussed and decided according to equity, in the presence of an employé of the consul or agent of the United States; and it shall be the duty of the consular officer to attend the trial in person, and see that justice is administered. All suits and disputes occurring in Persia between the citizens of the United States and the subjects of other foreign powers, shall be tried and adjudicated by the intermediation of their respective ministers or consuls, in accordance with such regulations as shall be mutually agreed upon by the minister of the United States for the time being, and the ministers of such foreign powers, respectively, which regulations shall from time to time be submitted to the Secretary of State.

1112. SEC. 4127. The provisions of this title, so far as the same are in conformity with the stipulations in the existing treaties between the United States and Tripoli, Tunis, Morocco, Muscat, and the Samoan or Navigator Islands, respectively, shall extend to those countries, and shall be executed in conformity with the provisions of the treaties and of the provisions of this title by the consuls appointed by the United States to reside therein, who are hereby ex officio invested with the powers herein delegated to the ministers and consuls of the United States appointed to reside in the countries named in section four thousand and eighty-three, so far as the same can be exercised under the provisions of treaties between the United States and the several countries mentioned in this section, and in accordance with the usages of the countries in their intercourse with the Franks or other foreign Christian nations.

And whenever the United States shall negotiate a treaty with any foreign government, in which the American consul-general or consul shall be clothed with judicial authority, and securing the right of trial to American citizens residing therein before such consul-general or consul, and containing provisions similar to or like those contained in the treaties with the governments named in this act, then said title, so far as the same may be applicable, shall have full force in reference to said treaty, and shall extend to the country of the government negotiating the same. [As amended by act of June 14, 1878, 20 Stat., 131.]

1113. SEC. 4128. If at any time there be no minister in either of the countries hereinbefore mentioned, the judicial duties which are imposed by this Title upon the minister shall devolve upon the Secretary of State, who is authorized and required to discharge the same.

1114. SEC. 4129. The provisions of this Title relating to the jurisdiction of consular and diplomatic officers over civil and criminal cases in the



countries therein named, shall extend to any country of like character with which the United States may hereafter enter into treaty relations.

1115. SEC. 4130. The word "minister," when used in this title shall be understood to mean the person invested with, and exercising, the principal diplomatic functions. The word "consul" shall be understood to mean any person invested by the United States with, and exercising, the functions of consul-general, vice consul-general, consul or vice-consul.

CHAP. 62.—An act to authorize the President to accept for citizens of the United States the jurisdiction of certain tribunals in the Ottoman dominions, and Egypt, established, or to be established, under the authority of the Sublime Porte and of the government of Egypt.

1116. *Be it enacted, &c.*, That whenever the President of the United States shall receive satisfactory information that the Ottoman government, or that of Egypt, has organized other tribunals on a basis likely to secure to citizens of the United States, in their dominions, the same impartial justice which they now enjoy there under the judicial functions exercised by the minister, consuls, and other functionaries of the United States, pursuant to the act of Congress approved the twenty-second of June, eighteen hundred and sixty, entitled "An act to carry into effect provisions of the treaties between the United States, China, Persia, and other countries, giving certain judicial powers to ministers and consuls, or other functionaries of the United States in those countries, and for other purposes,"<sup>1</sup> he is hereby authorized to suspend the operations of said acts as to the dominions in which such tribunals may be organized, so far as the jurisdiction of said tribunals may embrace matters now cognizable by the ministers, consuls, or other functionaries of the United States in said dominions, and to notify the government of the Sublime Porte, or that of Egypt, or either of them, that the United States, during such suspension will, as aforesaid accept for their citizens the jurisdiction of the tribunals aforesaid over citizens of the United States which has heretofore been exercised by the ministers, consuls, or other functionaries of the United States.<sup>2</sup>

1117. SEC. 2. That the President is hereby authorized for the benefit of American citizens residing in the Turkish dominions, to accept the

<sup>1</sup> The provisions of the act of 1860, ch. 179 (12 Stat. L., 72) here referred to, are incorporated into Revised Statutes in the sections noted in the margin.

<sup>2</sup> The President issued his proclamation March 27, 1876, under this provision, suspending the jurisdiction of consular courts, as therein provided. See proclamation, 19 Stat. L., 652.

recent law of the Ottoman Porte ceding the right of foreigners possessing immovable property in said dominions.<sup>1</sup> [*March 23, 1874.*]

CHAP. 34.—An act to fix the charge for passports at one dollar.

1118. *Be it enacted, &c.*, That from and after the passage of this act a fee of one dollar shall be collected for each citizen's passport issued from the Department of State.

That all acts or parts of acts inconsistent with this are hereby repealed. [*March 23, 1888.*]

## TITLE XLVIII.

(Sec. 4181-4305.)

### REGULATION OF COMMERCE AND NAVIGATION.

1119. SEC. 4181. Vessels registered pursuant to law, and no others, except such as shall be duly qualified, according to law, for carrying on the coasting trade and fisheries, or one of them, shall be deemed vessels of the United States, and entitled to the benefits and privileges appertaining to such vessels; but they shall not enjoy the same longer than they shall continue to be wholly owned by citizens and to be commanded by a citizen of the United States.

All the officers of vessels of the United States shall be citizens of the United States, except that in cases where, on a foreign voyage, or on a voyage from an Atlantic to a Pacific port of the United States, any such vessel is for any reason deprived of the services of an officer below the grade of master, his place, or a vacancy caused by the promotion of another officer to such place, may be supplied by a person not a citizen of the United States until the first return of such vessel to its home port; and such vessel shall not be liable to any penalty or penal tax for such employment of an alien officer.

[As amended by sec. 1, Act June 26, '84, 23 Stat., 53.]

1120. SEC. 4190. No sea-letter or other document certifying or proving any vessel to be the property of a citizen of the United States shall be issued, except to vessels duly registered, or enrolled and licensed as vessels of the United States, or to vessels which shall be wholly owned

<sup>1</sup> The President issued his proclamation under this section October 29, 1874, accepting the law of the Ottoman Porte ceding the right of foreigners possessing immovable property in the Turkish dominions, which, with the protocol and law, may be found in 18 Stat. L., 850.

by citizens of the United States, and furnished with or entitled to sea-letters or other custom-house documents.

1121. SEC. 4204. All vessels belonging to citizens of the United States, and bound from any port in the United States to any other port therein, or to any foreign port, or from any foreign port to any port in the United States, shall, before clearance, receive on board all such bullion, coin, United States notes and bonds and other securities, as the Government of the United States or any department thereof, or any minister, consul, vice-consul, or commercial or other agent of the United States abroad, shall offer, and shall securely convey and promptly deliver the same to the proper authorities or consignees, on arriving at the port of destination; and shall receive for such service such reasonable compensation as may be allowed to other carriers in the ordinary transactions of business.

1122. SEC. 4207. Whenever any clearance is granted to any vessel of the United States, duly registered as such, and bound on any foreign voyage, the collector of the district shall annex thereto, in every case, a copy of the rates or tariffs of fees which diplomatic and consular officers are entitled, by the regulations prescribed by the President, to receive for their services. [See §§ 17, 18.]

1123. SEC. 4213. It shall be the duty of all masters of vessels for whom any official services shall be performed by any consular officer, without the payment of a fee, to require a written statement of such services from such consular officer, and, after certifying as to whether such statement is correct, to furnish it to the collector of the district in which such vessels shall first arrive on their return to the United States; and if any such master of a vessel shall fail to furnish such statement, he shall be liable to a fine of not exceeding fifty dollars, unless such master shall state under oath that no such statement was furnished him by said consular officer.

And it shall be the duty of every collector to forward to the Secretary of the Treasury all such statements as shall have been furnished to him, and also a statement of all certified invoices which shall have come to his office, giving the dates of the certificates, and the names of the persons for whom and of the consular officer by whom the same were certified.

[As amended by sec. 13, Act June 26, '84, 23 Stat., 53.]

1124. SEC. 4222. No consul or consular agent of the United States shall exact tonnage fees from any vessel of the United States, touching at or near ports in Canada, on her regular voyage from one port to another within the United States, unless such consul or consular agent shall

perform some official services, required by law for such vessel, when she shall thus touch at a Canadian port. [See § 2793.]

1125. SEC. 4238. Consuls and vice-consuls, in cases where vessels of the United States are stranded on the coasts of their consulates respectively, shall, as far as the laws of the country will permit, take proper measures, as well for the purpose of saving the vessels, their cargoes and appurtenances, as for storing and securing the effects and merchandise saved, and for taking inventories thereof; and the merchandise and effects saved, with the inventories thereof so taken, shall, after deducting therefrom the expenses, be delivered to the owners. No consul or vice-consul shall have authority to take possession of any such merchandise, or other property, when the master, owner, or consignee thereof is present or capable of taking possession of the same.

1126. SEC. 4250. Any person or body-corporate having more than one-half ownership of any vessel shall have the same power to remove a master, who is also part owner of such vessel, as such majority owners have to remove a master not an owner. This section shall not apply where there is a valid written agreement subsisting, by virtue of which such master would be entitled to possession, nor in any case where a master has possession as part owner, obtained before the [nineteenth] [ninth] day of April, eighteen hundred and seventy-two.

1127. SEC. 4263. The master of any vessel employed in transporting passengers between the United States and Europe is authorized to maintain good discipline and such habits of cleanliness among the passengers as will tend to the preservation and promotion of health; and to that end he shall cause such regulations as he may adopt for this purpose to be posted up, before sailing, on board such vessel, in a place accessible to such passengers, and shall keep the same so posted up during the voyage. Such master shall cause the apartments occupied by such passengers to be kept at all times in a clean, healthy state; and the owners of every such vessel so employed are required to construct the decks, and all parts of the apartments so that they can be thoroughly cleansed; and also to provide a safe, convenient privy or water-closet for the exclusive use of every one hundred such passengers. The master shall also, when the weather is such that the passengers cannot be mustered on deck with their bedding, and at such other times as he may deem necessary, cause the deck occupied by such passengers to be cleansed with chloride of lime, or some other equally efficient disinfecting agent. And for each neglect or violation of any of the provisions of this section, the master and owner of any such vessel shall be severally liable to the

United States in a penalty of fifty dollars, to be recovered in any circuit or district court within the jurisdiction of which such vessel may arrive, or from which she is about to depart, or at any place where the owner or master may be found.

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## TITLE XLIX.

(Secs. 4306-4310.)

### REGULATION OF VESSELS IN FOREIGN COMMERCE.

**1128. SEC. 4306.** Every vessel of the United States, going to any foreign country, shall, before she departs from the United States, at the request of the master, be furnished by the collector for the district where such vessel may be, with a passport, the form for which shall be prescribed by the Secretary of State. In order to be entitled to such passport, the master of every such vessel shall be bound, with sufficient sureties, to the Treasurer of the United States, in the penalty of two thousand dollars, conditioned that the passport shall not be applied to the use or protection of any other vessel than the one described in it; and that, in case of the loss or sale of any vessel having such passport, the same shall, within three months, be delivered up to the collector from whom it was received, if the loss or sale take place within the United States; or within six months, if the same shall happen at any place nearer than the Cape of Good Hope; and within eighteen months, if at a more distant place.

**1129. SEC. 4307.** If any vessel of the United States shall depart therefrom, and shall be bound to any foreign country, other than to some port in America, without such passport, the master of such vessel shall be liable to a penalty of two hundred dollars for every such offense.

**1130. SEC. 4308.** Every unregistered vessel owned by a citizen of the United States, and sailing with a sea-letter, going to any foreign country, shall, before she departs from the United States, at the request of the master, be furnished by the collector of the district where such vessel may be with a passport, for which the master shall be subject to the rules and conditions prescribed for vessels of the United States.

**1131. SEC. 4309.** Every master of a vessel, belonging to citizens of the United States, who shall sail from any port of the United States, shall, on his arrival at a foreign port, deposit his register, sea-letter, and Mediterranean passport with the consul, vice-consul, commercial agent, or vice-commercial agent, if any there be at such port; and it shall be the duty

of such consul, vice-consul, commercial agent, or vice-commercial agent, on such master or commander producing to him a clearance from the proper officer of the port where his vessel may be, to deliver to the master all of his papers, if such master or commander has complied with the provisions of law relating to the discharge of seamen in a foreign country, and to the payment of the fees of consular officers. (See § 1718.)

1132. SEC. 4310. Every master of any such vessel who refuses or neglects to deposit the papers as required by the preceding section, shall be liable to a penalty of five hundred dollars, to be recovered by such consul, vice-consul, commercial agent, or vice-commercial agent, in his own name, for the benefit of the United States, in any court of competent jurisdiction.

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## TITLE LIII.

(Sec. 4501-4612.)

### MERCHANT SEAMEN.

#### CHAPTER I.

##### SHIPPING-COMMISSIONERS.

1133. SEC. 4501. The Secretary of the Treasury shall appoint a commissioner for each port of entry, which is also a port of ocean navigation, and which, in his judgment, may require the same; such commissioner to be termed a shipping commissioner, and may, from time to time, remove from office any such commissioner whom he may have reason to believe does not properly perform his duty, and shall then provide for the proper performance of his duties until another person is duly appointed in his place:

*Provided,* That Shipping Commissioners now in office shall continue to perform the duties thereof until others shall be appointed in their places.

Shipping Commissioners shall monthly render a full, exact, and itemized account of their receipts and expenditures to the Secretary of the Treasury, who shall determine their compensation, and shall from time to time determine the number and compensation of the clerks appointed by such commissioner, with the approval of the Secretary of the Treasury, subject to the limitations now fixed by law.

The Secretary of the Treasury shall regulate the mode of conducting business in the shipping offices to be established by the shipping commissioners as hereinafter provided, and shall have full and complete control over the same, subject to the provisions herein contained; and all expenditures by shipping commissioners shall be audited and adjusted in the Treasury Department in the mode and manner provided for expenditures in the collection of customs.

All fees of Shipping Commissioners shall be paid into the Treasury of the United States and shall constitute a fund which shall be used under the direction of the Secretary of the Treasury to pay the compensation of said Commissioners and their clerks and such other expenses as he may find necessary to ensure the proper administration of their duties. [As amended by sec. 27, Act June 26, '84, 23 Stat., 53.]

1134. SEC. 4502. Every shipping-commissioner so appointed shall give bond to the United States, conditioned for the faithful performance of the duties of his office, for a sum, in the discretion of the circuit judge, of not less than five thousand dollars, with two good and sufficient sureties therefor, to be approved by such judge; and shall take and subscribe the following oath before entering upon the duties of his office: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and that I will truly and faithfully discharge the duties of a shipping-commissioner to the best of my ability, and according to law." Such oath shall be indorsed on the commission or certificate of appointment, and signed by him, and certified by the officer before whom such oath shall have been taken.

1135. SEC. 4503. In any port in which no shipping-commissioner shall have been appointed, the whole or any part of the business of a shipping-commissioner shall be conducted by the collector or deputy collector of customs of such port; and in respect of such business such custom-house shall be deemed a shipping-office, and the collector or deputy collector of customs to whom such business shall be committed, shall, for all purposes, be deemed a shipping-commissioner within the meaning of this Title.

1136. SEC. 4504. Any person other than a commissioner under this Title, who shall perform or attempt to perform, either directly or indirectly, the duties which are by this Title set forth as pertaining to a shipping-commissioner, shall be liable to a penalty of not more than five hundred dollars. Nothing in this Title, however, shall prevent the owner, or consignee, or master of any vessel except vessels bound from a port in the United States to any foreign port, other than vessels

engaged in trade between the United States and the British North American possessions, or the West India Islands, or the republic of Mexico, and vessels of the burden of seventy-five tons or upward bound from a port on the Atlantic to a port on the Pacific, or vice versa, from performing, himself, so far as his vessel is concerned, the duties of shipping-commissioner under this Title. Whenever the master of any vessel shall engage his crew, or any part of the same, in any collection-district where no shipping-commissioner shall have been appointed, he may perform for himself the duties of such commissioner.

1137. SEC. 4505. Any shipping-commissioner may engage clerks to assist him in the transaction of the business of the shipping-office, at his own proper cost, and may, in case of necessity, depute such clerks to act for him in his official capacity; but the shipping-commissioner shall be held responsible for the acts of every such clerk or deputy, and will be personally liable for any penalties such clerk or deputy may incur by the violation of any of the provisions of this Title; and all acts done by a clerk, as such deputy, shall be as valid and binding as if done by the shipping-commissioner.

1138. SEC. 4506. Each shipping-commissioner shall provide a seal with which he shall authenticate all his official acts, on which seal shall be engraved the arms of the United States, and the name of the port or district for which he is commissioned. Any instrument, either printed or written, purporting to be the official act of a shipping-commissioner, and purporting to be under the seal and signature of such shipping-commissioner, shall be received as presumptive evidence of the official character of such instrument, and of the truth of the facts therein set forth.

1139. SEC. 4507. Every shipping-commissioner shall lease, rent, or procure, at his own cost, suitable premises for the transaction of business, and for the preservation of the books and other documents connected therewith; and these premises shall be styled the shipping-commissioner's office.

1140. SEC. 4508. The general duties of a shipping-commissioner shall be:

First. To afford facilities for engaging seamen by keeping a register of their names and characters.

Second. To superintend their engagement and discharge, in manner prescribed by law.

Third. To provide means for securing the presence on board at the proper times of men who are so engaged.

Fourth. To facilitate the making of apprenticeships to the sea service.

Fifth. To perform such other duties relating to merchant seamen of merchant ships as are now or may hereafter be required by law.



## CHAPTER II.

## SHIPMENT.

1141. SEC. 4509. Every shipping-commissioner appointed under this Title shall, if applied to for the purpose of apprenticing boys to the sea-service, by any master or owner of a vessel, or by any person legally qualified, give such assistance as is in his power for facilitating the making of such apprenticeships; but the shipping-commissioner shall ascertain that the boy has voluntarily consented to be bound, and that the parents or guardian of such boy have consented to such apprenticeship, and that he has attained the age of twelve years, and is of sufficient health and strength, and that the master to whom such boy is to be bound is a proper person for the purpose. Such apprenticeship shall terminate when the apprentice becomes eighteen years of age. The shipping-commissioner shall keep a register of all indentures of apprenticeship made before him.

1142. SEC. 4510. The master of every foreign-going vessel shall, before carrying any apprentice to sea from any place in the United States, cause such apprentice to appear before the shipping-commissioner before whom the crew is engaged, and shall produce to him the indenture by which such apprentice is bound, and the assignment or assignments thereof, if any; and the name of the apprentice, with the date of the indenture and of the assignment or assignments thereof, if any, shall be entered on the agreement; which shall be in the form as near as may be given in the table marked "A" in the schedule annexed to this Title; and no such assignment shall be made without the approval of a commissioner, of the apprentice, and of his parents or his guardian. For any violation of this section, the master shall be liable to a penalty of not more than one hundred dollars.

1143. SEC. 4511. The master of every vessel bound from a port in the United States to any foreign port other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the republic of Mexico, or of any vessel of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall, before he proceeds on such voyage, make an agreement, in writing or in print, with every seaman whom he carries to sea as one of the crew, in the manner hereinafter mentioned; and every such agreement shall be, as near as may be, in the form given in the table marked A, in the schedule annexed to this Title, and shall be dated at the time of the first signature thereof,

and shall be signed by the master before any seaman signs the same, and shall contain the following particulars:

First. The nature and, as far as practicable, the duration of the intended voyage or engagement, and the port or country at which the voyage is to terminate.

Second. The number and description of the crew, specifying their respective employments.

Third. The time at which each seaman is to be on board, to begin work.

Fourth. The capacity in which each seaman is to serve.

Fifth. The amount of wages which each seaman is to receive.

Sixth. A scale of the provisions which are to be furnished to each seaman.

Seventh. Any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct, which may be sanctioned by Congress as proper to be adopted, and which the parties agree to adopt.

Eighth. Any stipulations in reference to advance and allotment of wages, or other matters not contrary to law.

1144. SEC. 4512. The following rules shall be observed with respect to agreements:

First. Every agreement, except such as are otherwise specially provided for, shall be signed by each seaman in the presence of a shipping-commissioner.

Second. When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the shipping-commissioner, and the other part shall contain a special place or form for the description and signatures of persons engaged subsequently to the first departure of the ship, and shall be delivered to the master.

Third. Every agreement entered into before a shipping-commissioner shall be acknowledged and certified under the hand and official seal of such commissioner. The certificate of acknowledgment shall be indorsed on or annexed to the agreement; and shall be in the following form:

“State of ———, County of ——— :

“On this ——— day of ———, personally appeared before me, a shipping-commissioner in and for the said county, A. B., C. D., and E. F., severally known to me to be the same persons who executed the foregoing instrument, who each for himself acknowledged to me that he had read or had heard read the same; that he was by me made acquainted with the conditions thereof, and understood the same; and that, while sober and not in a state of intoxication, he signed it freely and voluntarily, for the uses and purposes therein mentioned.”

1145. SEC. 4513. The [*preceding section*] [section forty-five hundred and eleven] shall not apply to masters of vessels where the seamen are by custom or agreement entitled to participate in the profits or result of a cruise or voyage, nor to masters of coastwise nor to masters of lake-going vessels that touch at foreign ports; but seamen may, by agreement, serve on board such vessels a definite time, or, on the return of any vessel to a port in the United States, may reshup and sail in the same vessel on another voyage, without the payment of additional fees to the shipping-commissioner, by either the seamen or the master.

1146. SEC. 4514. If any person shall be carried to sea, as one of the crew on board of any vessel making a voyage as hereinbefore specified, without entering into an agreement with the master of such vessel, in the form and manner, and at the place and times in such cases required, the vessel shall be held liable for each such offense to a penalty of not more than two hundred dollars. But the vessel shall not be held liable for any person carried to sea, who shall have secretly stowed away himself without the knowledge of the master, mate, or of any of the officers of the vessel, or who shall have falsely personated himself to the master, mate, or officers of the vessel, for the purpose of being carried to sea.

1147. SEC. 4515. If any master, mate, or other officer of a vessel knowingly receives, or accepts, to be entered on board of any merchant vessel, any seaman who has been engaged or supplied contrary to the provisions of this Title, the vessel on board of which such seaman shall be found, shall for every such seaman, be liable to a penalty of not more than two hundred dollars.

1148. SEC. 4516. In case of desertion, or of casualty resulting in the loss of one or more seamen, the master may ship a number equal to the number of whose services he has been deprived by desertion or casualty, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections.

1149. SEC. 4517. Every master of a merchant-vessel who engages any seaman at a place out of the United States, in which there is a consular officer or commercial agent, shall, before carrying such seaman to sea, procure the sanction of such officer, and shall engage seamen in his presence; and the rules governing the engagement of seamen before a shipping-commissioner in the United States, shall apply to such engagements made before a consular officer or commercial agent; and upon every such engagement the consular officer or commercial agent shall indorse upon the agreement his sanction thereof, and an attestation to

the effect that the same has been signed in his presence, and otherwise duly made.

1150. SEC. 4518. Every master who engages any seaman in any place in which there is a consular officer or commercial agent, otherwise than as required by the preceding section, shall incur a penalty of not more than one hundred dollars, for which penalty the vessel shall be held liable.

1151. SEC. 4519. The master shall, at the commencement of every voyage or engagement, cause a legible copy of the agreement, omitting signatures, to be placed or posted up in such part of the vessel as to be accessible to the crew; and on default shall be liable to a penalty of not more than one hundred dollars.

1152. SEC. 4520. Every master of any vessel of the burden of fifty tons or upwards, bound from a port in one State to a port in any other than an adjoining State, except vessels of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall, before he proceeds on such voyage, make an agreement in writing or in print, with every seaman on board such vessel except such as shall be apprentice or servant to himself or owners, declaring the voyage or term of time for which such seaman shall be shipped.

1153. SEC. 4521. If any master of such vessel of the burden of fifty tons or upward shall carry out any seaman or mariner, except apprentices or servants, without such contract or agreement being first made and signed by the seamen, such master shall pay to every such seaman the highest price or wages which shall have been given at the port or place where such seaman was shipped, for a similar voyage, within three months next before the time of such shipping, if such seaman shall perform such voyage; or if not, then for such time as he shall continue to do duty on board such vessel; and shall moreover be liable to a penalty of twenty dollars for every such seaman, recoverable, one-half to the use of the person prosecuting for the same, and the other half to the use of the United States. Any seaman who has not signed such a contract shall not be bound by the regulations nor subject to the penalties and forfeitures contained in this Title.

1154. SEC. 4522. At the foot of every such contract to ship upon such a vessel of the burden of fifty tons or upward, there shall be a memorandum in writing of the day and the hour on which the seamen who ship and subscribe shall render themselves on board to begin the voyage agreed upon. If any such seaman shall neglect to render himself on board the

vessel, for which he has shipped, at the time mentioned in such memorandum, and if the master of the vessel shall, on the day on which such neglect happened, make an entry in the log-book of such vessel, of the name of such seaman, and shall in like manner note the time that he so neglected to render himself, after the time appointed, every such seaman shall forfeit for every hour which he shall so neglect to render himself, one day's pay, according to the rate of wages agreed upon, to be deducted out of his wages. If any such seaman shall wholly neglect to render himself on board of such vessel, or having rendered himself on board, shall afterward desert and escape, so that the vessel proceed to sea without him, he shall be liable to pay to the master, owner, or consignee of the vessel, a sum equal to that paid to him by advance at the time of signing the contract, over and besides the sum so advanced, both which sums shall be recoverable in any court, or before any justice of any State, city, town, or county within the United States, which, by the laws thereof, have cognizance of debts of equal value, against such seaman or mariner, or his surety or sureties, in case he shall have given surety to proceed [on] the voyage.

1155. SEC. 4523. All shipments of seamen made contrary to the provisions of any act of Congress shall be void; and any seaman so shipped may leave the service at any time, and shall be entitled to recover the highest rate of wages of the port from which the seaman was shipped, or the sum agreed to be given him at his shipment.

### CHAPTER III.

#### WAGES AND EFFECTS.

1156. SEC. 4524. A seaman's right to wages and provisions shall be taken to commence either at the time at which he commences work, or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

1157. SEC. 4525. No right to wages shall be dependent on the earning of freight by the vessel; but every seaman or apprentice who would be entitled to demand and receive any wages if the vessel on which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same of the master or owner in personam, notwithstanding that freight has not been earned. But in all cases of wreck or loss of vessel, proof that any seaman or apprentice has not exerted himself to the utmost to save the vessel, cargo, and stores, shall bar his claim.

1158. SEC. 4526. In cases where the service of any seaman terminates before the period contemplated in the agreement, by reason of the wreck or loss of the vessel, such seaman shall be entitled to wages for the time of service prior to such termination, but not for any further period.

1159. SEC. 4527. Any seaman who has signed an agreement and is afterward discharged before the commencement of the voyage or before one month's wages are earned, without fault on his part justifying such discharge, and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, a sum equal in amount to one month's wages as compensation, and may, on adducing evidence satisfactory to the court hearing the case, of having been improperly discharged, recover such compensation as if it were wages duly earned.

1160. SEC. 4528. No seaman or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, after the time fixed by the agreement for him to begin work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offense committed by him.

1161. SEC. 4529. The master or owner of every vessel making voyages from a port on the Atlantic to a port on the Pacific, or vice versa, shall pay to every seaman his wages, within two days after the termination of the agreement, or at the time such seaman is discharged, whichever first happens; and, in the case of vessels making foreign voyages, within three days after the cargo has been delivered, or within five days after the seaman's discharge, whichever first happens; and in all cases the seaman shall, at the time of his discharge, be entitled to be paid, on account, a sum equal to one-fourth part of the balance due to him. Every master or owner who neglects or refuses to make payment in manner hereinbefore mentioned, without sufficient cause, shall pay to the seaman a sum not exceeding the amount of two days' pay for each of the days, not exceeding ten days, during which payment is delayed beyond the respective periods; which sum shall be recoverable as wages in any claim made before the court. But this section shall not apply to the masters or owners of any vessel the seamen on which are entitled to share in the profits of the cruise or voyage.

1162. SEC. 4530. Every seaman shall be entitled to receive from the master of the vessel to which he belongs, one-third part of the wages which shall be due to him at every port where such vessel shall unlade and deliver her cargo before the voyage is ended, unless the contrary be

expressly stipulated in the contract; and as soon as the voyage is ended, and the cargo or ballast is fully discharged at the last port of delivery, he shall be entitled to the wages which shall be then due.

1163. SEC. 4531. All stipulations for the allotment of any part of the wages of a seaman, during his absence, which are made at the commencement of the voyage shall be inserted in the agreement, and shall state the amounts and times of the payments to be made, and the persons to whom such payments are to be made.

1164. SEC. 4532. No advance of wages shall be made, or advance security given to any person, but to the seaman himself, or to his wife or mother; and no advance of wages shall be made, or advance security given, unless the agreement contains a stipulation for the same, and an accurate statement of the amount thereof; and no advance wages or advance security shall be given to any seaman except in the presence of the shipping-commissioner.

1165. SEC. 4533. If any advance of wages is made or advance security given to any seaman in any such manner as to constitute a breach of any of the provisions of the two preceding sections, the wages of such seaman shall be recoverable by him, as if no such advance had been made or promised; and in the case of any advance security so given, no person shall be sued thereon, unless he was a party to such breach.

1166. SEC. 4534. Whenever any advance security is discounted for any seaman, such seaman shall sign or set his mark to a receipt indorsed on the security, stating the sum actually paid or accounted for to him by the person discounting the same; and if the seaman sails in the vessel from the port of departure mentioned in the security, and is then duly earning his wages, or is previously discharged with the consent of the master, but not otherwise, the person discounting the security may, ten days after the final departure of the vessel from the port of departure mentioned in the security, sue for and recover the amount promised by the security, with costs, either from the owner or from any agent who has drawn or authorized the drawing of the security; and in any such proceeding it shall be sufficient for such person to prove that the security was given by the owner or master, or some other authorized agent, and that the same was discounted to and receipted by the seaman; and the seaman shall be presumed to have sailed in the vessel from such port, and to be duly earning his wages, unless the contrary is proved.

1167. SEC. 4535. No seaman shall, by any agreement other than is provided by this Title, forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise have

been entitled; and every stipulation in any agreement inconsistent with any provision of this Title, and every stipulation by which any seaman consents to abandon his right to his wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative.

1168. SEC. 4536. No wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court; and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of wages, or of any attachment, incumbrance, or arrestment thereon; and no assignment or sale of wages, or of salvage, made prior to the accruing thereof, shall bind the party making the same, except such advance securities as are authorized by this Title.

1169. SEC. 4537. No sum exceeding one dollar shall be recoverable from any seaman, by any one person, for any debt contracted during the time such seaman shall actually belong to any vessel, until the voyage for which such seaman engaged shall be ended.

1170. SEC. 4538. Whenever any seaman or apprentice belonging to or sent home on any merchant-vessel, whether a foreign-going or domestic vessel, employed on a voyage which is to terminate in the United States, dies during such voyage, the master shall take charge of all moneys, clothes, and effects which he leaves on board, and shall, if he thinks fit, cause all or any of such clothes and effects to be sold by auction at the mast or other public auction, and shall thereupon sign an entry in the official log-book, and cause it to be attested by the mate and one of the crew, containing the following particulars:

First. A statement of the amount of money so left by the deceased.

Second. In case of a sale, a description of each article sold, and the sum received for each.

Third. A statement of the sum due to deceased as wages, and the total amount of deductions, if any, to be made therefrom.

1171. SEC. 4539. In cases embraced by the preceding section, the following rules shall be observed:

First. If the vessel proceeds at once to any port in the United States, the master shall, within forty-eight hours after his arrival, deliver any such effects remaining unsold, and pay any money which he has taken charge of, or received from such sale, and the balance of wages due to the deceased, to the shipping-commissioner at the port of destination in the United States.

Second. If the vessel touches and remains at some foreign port before



coming to any port in the United States, the master shall report the case to the United States consular officer there, and shall give to such officer any information he requires as to the destination of the vessel and probable length of the voyage; and such officer may, if he considers it expedient so to do, require the effects, money, and wages to be delivered and paid to him, and shall, upon such delivery and payment, give to the master a receipt; and the master shall within forty-eight hours after his arrival at his port of destination in the United States produce the same to the shipping-commissioner there. Such consular officer shall, in any such case, indorse and certify upon the agreement with the crew the particulars with respect to such delivery and payment.

Third. If the consular officer does not require such payment and delivery to be made to him, the master shall take charge of the effects, money, and wages, and shall, within forty-eight hours after his arrival at his port of destination in the United States, deliver and pay the same to the shipping-commissioner there.

Fourth. The master shall, in all cases in which any seaman or apprentice dies during the voyage or engagement, give to such officer or shipping-commissioner an account, in such form as they may respectively require, of the effects, money, and wages so to be delivered and paid; and no deductions claimed in such account shall be allowed unless verified by an entry in the official log-book, if there be any; and by such other vouchers, if any, as may be reasonably required by the officer or shipping-commissioner to whom the account is rendered.

Fifth. Upon due compliance with such of the provisions of this section as relate to acts to be done at the port of destination in the United States, the shipping-commissioner shall grant to the master a certificate to that effect. No officer of customs shall clear any foreign-going vessel without the production of such certificate.

1172. SEC. 4540. Whenever any master fails to take such charge of the money or other effects of a seaman or apprentice during a voyage, or to make such entries in respect thereof, or to procure such attestation to such entries, or to make such payment or delivery of any money, wages, or effects of any seaman or apprentice dying during a voyage, or to give such account in respect thereof as is above directed, he shall be accountable for the money, wages, and effects of the seaman or apprentice to the circuit court in whose jurisdiction such port of destination is situate, and shall pay and deliver the same accordingly; and he shall, in addition, for every such offense, be liable to a penalty of not more than treble the value of the money or effects, or, if such value is not ascertained, not more

than two hundred dollars; and if any such money, wages, or effects are not duly paid, delivered, and accounted for by the master, the owner of the vessel shall pay, deliver, and account for the same, and such money and wages and the value of such effects shall be recoverable from him accordingly; and if he fails to account for and pay the same, he shall, in addition to his liability for the money and value, be liable to the same penalty which is incurred by the master for a like offense; and all money, wages, and effects of any seaman or apprentice dying during a voyage shall be recoverable in the courts and by the modes of proceeding by which seamen are enabled to recover wages due to them.

1173. SEC. 4541. Whenever any such seaman or apprentice dies at any place out of the United States, leaving any money or effects not on board of his vessel, the consular officer of the United States at or nearest the place shall claim and take charge of such money and effects, and shall, if he thinks fit, sell all or any of such effects, or any effects of any deceased seaman or apprentice delivered to him under the provisions of this Title, and shall quarterly remit to the district judge for the district embracing the port from which such vessel sailed, or the port where the voyage terminates, all moneys belonging to or arising from the sale of the effects or paid as the wages of any deceased seaman or apprentices which have come to his hands; and shall render such accounts thereof as the district judge requires.

1174. SEC. 4542. Whenever any seaman or apprentice dies in the United States, and is, at the time of his death, entitled to claim from the master or owner of any vessel in which he has served, any unpaid wages or effects, such master or owner shall pay and deliver, or account for the same, to the shipping-commissioner at the port where the seaman or apprentice was discharged, or was to have been discharged.

1175. SEC. 4543. Every shipping-commissioner in the United States shall, within one week from the date of receiving any such money, wages, or effects of any deceased seaman or apprentice, pay, remit, or deliver to the circuit court of the circuit in which he resides, the money, wages, or effects, subject to such deductions as may be allowed by the circuit court for expenses incurred in respect to such money and effects; and should any commissioner fail to pay, remit, and deliver the same to the circuit court, within the time hereinbefore mentioned, he shall incur a penalty of not more than treble the value of such money and effects.

1176. SEC. 4544. If the money and effects of any seaman or apprentice

paid, remitted, or delivered to the circuit court, including the moneys received for any part of his effects which have been sold, either before delivery to the circuit court, or by its directions, do not exceed in value the sum of three hundred dollars, then, subject to the provisions hereinafter contained, and to all such deductions for expenses incurred in respect to the seaman or apprentice, or of his money and effects, as the said court thinks fit to allow, the court may pay and deliver the said money and effects to any claimants who can prove themselves either to be his widow or children, or to be entitled to the effects of the deceased under his will, or under any statute, or at common law, or to be entitled to procure probate, or take out letters of administration or confirmation, although no probate or letters of administration or confirmation have been taken out, and shall be thereby discharged from all further liability in respect of the money and effects so paid and delivered; or may, if it thinks fit so to do, require probate, or letters of administration or confirmation, to be taken out, and thereupon pay and deliver the said money and effects to the legal personal representatives of the deceased; and if such money and effects exceed in value the sum of three hundred dollars, then, subject to deduction for expenses, the court shall pay and deliver the same to the legal personal representatives of the deceased.

1177. SEC. 4545. When no claim to the wages or effects of a deceased seaman or apprentice, received by a circuit court, is substantiated within six years after the receipt thereof by the court, it shall be in the absolute discretion of the court, if any subsequent claim is made, either to allow or refuse the same. Such courts shall, from time to time, pay any moneys arising from the unclaimed wages and effects of deceased seamen, which, in their opinion, it is not necessary to retain for the purpose of satisfying claims, into the Treasury of the United States, and such moneys shall form a fund for, and be appropriated to, the relief of sick and disabled and destitute seamen belonging to the United States merchant marine service.

1178. SEC. 4546. Whenever the wages of any seaman are not paid within ten days after the time when the same ought to be paid according to the provisions of this Title, or any dispute arises between the master and seamen touching wages, the district judge for the judicial district where the vessel is, or in case his residence be more than three miles from the place, or he be absent from the place of his residence, then, any judge or justice of the peace, or any commissioner of a circuit court, may summon the master of such vessel to appear before him, to

show cause why process should not issue against such vessel, her tackle, apparel, and furniture, according to the course of admiralty courts, to answer for the wages.

1179. SEC. 4547. If the master against whom such summons is issued neglects to appear, or, appearing, does not show that the wages are paid, or otherwise satisfied or forfeited, and if the matter in dispute is not forthwith settled, the judge or justice or commissioner shall certify to the clerk of the district court that there is sufficient cause of complaint whereon to found admiralty process, and thereupon the clerk of such court shall issue process against the vessel, and the suit shall be proceeded on in the court, and final judgment shall be given according to the usual course of admiralty courts in such cases. In such suit all the seamen having cause of complaint of the like kind against the same vessel, shall be joined as complainants; and it shall be incumbent on the master to produce the contract and log-book, if required, to ascertain any matters in dispute; otherwise the complainants shall be permitted to state the contents thereof, and the proof of the contrary shall lie on the master. But nothing herein contained shall prevent any seaman from maintaining any action at common law for the recovery of his wages, or having immediate process out of any court having admiralty jurisdiction, wherever any vessel may be found, in case she shall have left the port of delivery where her voyage ended, before payment of the wages, or in case she shall be about to proceed to sea before the end of the ten days next after the delivery of her cargo or ballast.

1180. SEC. 4548. Moneys paid under the laws of the United States, by direction of consular officers or agents, at any foreign port or place, as wages, extra or otherwise, due American seamen, shall be paid in gold or its equivalent, without any deduction whatever, any contract to the contrary notwithstanding.

#### CHAPTER IV.

##### DISCHARGE.

1181. SEC. 4549. All seamen discharged in the United States from merchant vessels engaged in voyages from a port in the United States to any foreign port, or, being of the burden of seventy-five tons or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall be discharged and receive their wages in the presence of a duly authorized shipping-commissioner under this Title, except in cases

where some competent court otherwise directs; and any master or owner of any such vessel who discharges any such seaman belonging thereto, or pays his wages within the United States in any other manner, shall be liable to a penalty of not more than fifty dollars. [See § 5363.]

1182. SEC. 4550. Every master shall, not less than forty-eight hours before paying off or discharging any seaman, deliver to him, or, if he is to be discharged before a shipping-commissioner, to such shipping-commissioner, a full and true account of his wages, and all deductions to be made therefrom on any account whatsoever; and in default shall, for each offense, be liable to a penalty of not more than fifty dollars. No deduction from the wages of any seaman except in respect of some matter happening after such delivery shall be allowed, unless it is included in the account delivered; and the master shall, during the voyage, enter the various matters in respect to which such deductions are made, with the amounts of the respective deductions as they occur, in the official log-book, and shall, if required, produce such book at the time of the payment of wages, and, also, upon the hearing, before any competent authority, of any complaint or question relating to such payment.

1183. SEC. 4551. Upon the discharge of any seaman, or upon payment of his wages, the master shall sign and give him a certificate of discharge, specifying the period of his service and the time and place of his discharge, in the form marked Table B in the schedule annexed to this Title; and every master who fails to sign and give to such seaman such certificate and discharge, shall, for each such offense, incur a penalty not exceeding fifty dollars. But whenever the master shall discharge his crew or any part thereof in any collection-district where no shipping-commissioner has been appointed, he may perform for himself the duties of such commissioner.

1184. SEC. 4552. The following rules shall be observed with respect to the settlement of wages:

First. Upon the completion, before a shipping-commissioner, of any discharge and settlement, the master or owner and each seaman, respectively, in the presence of the shipping-commissioner, shall sign a mutual release of all claims for wages in respect of the past voyage or engagement, and the shipping-commissioner shall also sign and attest it, and shall retain it in a book to be kept for that purpose, provided both the master and seamen assent to such settlement, or the settlement has been adjusted by the shipping-commissioner.

Second. Such release, so signed and attested, shall operate as a mutual discharge and settlement of all demands for wages between the parties thereto, on account of wages, in respect of the past voyage or engagement.

Third. A copy of such release, certified under the hand and seal of such shipping-commissioner to be a true copy, shall be given by him to any party thereto requiring the same, and such copy shall be receivable in evidence upon any future question touching such claims, and shall have all the effect of the original of which its purports to be a copy.

Fourth. In cases in which discharge and settlement before a shipping-commissioner are required, no payment, receipt, settlement, or discharge otherwise made shall operate as evidence of the release or satisfaction of any claim.

Fifth. Upon payment being made by a master before a shipping-commissioner, the shipping-commissioner shall, if required, sign and give to such master a statement of the whole amount so paid; and such statement shall, between the master and his employer, be received as evidence that he has made the payments therein mentioned.

1135. SEC. 4553. Upon every discharge effected before a shipping-commissioner, the master shall make and sign, in the form given in the table marked "B," in the schedule annexed to this Title, a report of the conduct, character, and qualifications of the persons discharged; or may state in such form, that he declines to give any opinion upon such particulars, or upon any of them; and the commissioner shall keep a register of the same, and shall, if desired so to do by any seaman, give to him or indorse on his certificate of discharge a copy of so much of such report as concerns him.

## CHAPTER V.

### PROTECTION AND RELIEF.

1186. SEC. 4554. Every shipping-commissioner shall hear and decide any question whatsoever between a master, consignee, agent, or owner, and any of his crew, which both parties agree in writing to submit to him; and every award so made by him shall be binding on both parties, and shall, in any legal proceedings which may be taken in the matter, before any court of justice, be deemed to be conclusive as to the rights of parties. And any document under the hand and official seal of a commissioner purporting to be such submission or award, shall be prima-facie evidence thereof.

1187 SEC. 4555. In any proceeding relating to the wages, claims, or discharge of a seaman, carried on before any shipping-commissioner, under the provisions of this Title, such shipping-commissioner may call upon the owner, or his agent, or upon the master, or any mate, or any other member of the crew, to produce any log-books, papers, or other documents in their possession or power, respectively, relating to any matter in question in such proceedings, and may call before him and examine any of such persons, being then at or near the place, on any such matter; and every owner, agent, master, mate, or other member of the crew who, when called upon by the shipping-commissioner, does not produce any such books, papers, or documents, if in his possession or power, or does not appear and give evidence, shall, unless he shows some reasonable cause for such default, be liable to a penalty of not more than one hundred dollars for each offense; and, on application made by the shipping-commissioner, shall be further punished, in the discretion of the court, as in other cases of contempt of the process of the court.

1188. SEC. 4556. If the mate or first officer under the master, and a majority of the crew of any vessel, bound on a voyage to any foreign port, shall, after the voyage is begun, and before the vessel shall have left the land, discover that the vessel is too leaky, or is otherwise unfit in her crew, body, tackle, apparel, furniture, provisions, or stores, to proceed on the intended voyage, and shall require such unfitness to be inquired into, the master shall, upon the request of the mate or other officer and such majority, forthwith proceed to or stop at the nearest or most convenient port or place where such inquiry can be made, and shall there apply to the judge of the district court of that judicial district, if he shall there reside, or if not, to some justice of the peace of the city, town, or place, taking with him two or more of the crew who shall have made such request.

1189. SEC. 4557. The judge or justice shall, upon such application of the master or commander, issue his precept directed to three persons in the neighborhood, the most skillful in maritime affairs that can be procured, requiring them to repair on board such vessel, and to examine the same in respect to the defects and insufficiencies complained of, and to make report to him, the judge or justice, as the case may be, in writing under their hands, or the hands of two of them, whether in any or in what respect the vessel is unfit to proceed on the intended voyage, and what addition of men, provisions, or stores, or what repairs or alterations in the body, tackle, or apparel will be necessary; and upon such

report the judge or justice shall adjudge, and shall indorse on the report his judgment, whether the vessel is fit to proceed on the intended voyage; and if not, whether such repairs can be made or deficiencies supplied where the vessel then lies, or whether it is necessary for her to return to the port from whence she first sailed, to be there refitted; and the master and crew shall in all things conform to the judgment. The master or commander shall, in the first instance, pay all the costs of such view, report, and judgment, to be taxed and allowed on a fair copy thereof, certified by the judge or justice. But if the complaint of the crew shall appear, upon the report and judgment, to have been without foundation, the master or commander, or the owner or consignee of such vessel, shall deduct the amount thereof, and of reasonable damages for the detention, to be ascertained by the judge or justice, out of the wages growing due to the complaining seamen.

1190. SEC. 4558. If after judgment that such vessel is fit to proceed on her intended voyage, or after procuring such men, provisions, stores, repairs, or alterations as may be directed, the seamen, or either of them, shall refuse to proceed on the voyage, it shall be lawful for any justice of the peace to commit, by warrant under his hand and seal, every such seaman who refuses to the common jail of the county, there to remain without bail or mainprize until he has paid double the sum advanced to him at the time of subscribing the contract for the voyage, together with such reasonable costs as are allowed by the justice, and inserted in the warrant; and the sureties of such seaman, in case he has given any, shall remain liable for such payment; nor shall any such seaman be discharged upon any writ of habeas corpus or otherwise, for want of any form of commitment, or other previous proceedings, until such sum is paid by him or his surety, if sufficient matter be made to appear, upon the return of such habeas corpus, and an examination then had, to detain him for the causes hereinbefore assigned.

1191. SEC. 4559. Upon a complaint in writing, signed by the first, or the second and third officers and a majority of the crew, of any vessel while in a foreign port, that such vessel is in an unsuitable condition to go to sea, because she is leaky, or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not, or have not been, during the voyage, sufficient and wholesome, thereupon, in any of these or like cases, the consul or a commercial agent who may discharge any duties of a consul, shall appoint two disinterested, competent, practical men, acquainted with maritime affairs, to examine into the causes of



complaint, who shall, in their report, state what defects and deficiencies, if any, they find to be well founded, as well as what, in their judgment, ought to be done to put the vessel in order for the continuance of her voyage.

1192. SEC. 4560. The inspectors appointed by any consular or commercial agent, in pursuance of the preceding section, shall have full power to examine the vessel and whatever is aboard of her, so far as is pertinent to their inquiry, and also to hear and receive any other proofs which the ends of justice may require; and if, upon a view of the whole proceedings, the consul or other commercial agent is satisfied therewith, he may approve the whole or any part of the report, and shall certify such approval; or if he dissents, he shall certify his reasons for dissenting.

1193. SEC. 4561. The inspectors in their report shall also state whether, in their opinion, the vessel was sent to sea unsuitably provided in any important or essential particular, by neglect or design, or through mistake or accident; and in case it was by neglect or design, and the consular officer approves of such finding, he shall discharge such of the crew as request it, and shall require the payment by the master of one month's wages for each seaman over and above the wages then due.

But if, in the opinion of the inspectors, the defects or deficiencies found to exist have been the result of mistake or accident, and could not, in the exercise of ordinary care, have been known and provided against before the sailing of the vessel, and the master shall, in a reasonable time, remove or remedy the causes of complaint, then the crew shall remain and discharge their duty.

[As amended by sec. 4, act June 26, 1884, 23 St., 53.]

1194. SEC. 4562. The master shall pay all such reasonable charges for inspection under such complaint as shall be officially certified to him under the hand of the consul or commercial agent; but in case the inspectors report that the complaint is without any good and sufficient cause, the master may retain from the wages of the complainants, in proportion to the pay of each, the amount of such charges, with such reasonable damages for detention on that account as the consul or commercial agent directing the inquiry may officially certify.

1195. SEC. 4563. Every master who refuses to pay such wages and charges shall be liable to each person injured thereby in damages, to be recovered in any court of the United States in the district where such delinquent may reside or be found, and in addition thereto be punishable by a fine of one hundred dollars for each offense.

1196. SEC. 4564. Every vessel belonging to a citizen of the United

States, bound on a voyage across the Atlantic Ocean, shall, at the time of leaving the last port from whence she sails, have on board, well secured under deck, at least sixty gallons of water, one hundred pounds of salted flesh meat, and one hundred pounds of wholesome ship-bread, for every person on board such vessel, besides such other provisions, stores, and live-stock as shall by the master or passengers be put on board, and in like proportion for shorter or longer voyages.

1197. SEC. 4565. Any three or more of the crew of any merchant-vessel of the United States bound from a port in the United States to any foreign port, or being of the burden of seventy-five tons or upward, and bound from a port on the Atlantic to a port on the Pacific, or vice versa, may complain to any officer in command of any of the vessels of the United States Navy, or consular officer of the United States, or shipping-commissioner or chief officer of the customs, that the provisions or water for the use of the crew are, at any time, of bad quality, unfit for use, or deficient in quantity. Such officer shall thereupon examine the provisions or water, or cause them to be examined; and if, on examination, such provisions or water are found to be of bad quality and unfit for use, or to be deficient in quantity, the person making such examination shall certify the same in writing to the master of the ship. If such master does not thereupon provide other proper provisions or water, where the same can be had, in lieu of any so certified to be of a bad quality and unfit for use, or does not procure the requisite quantity of any so certified to be insufficient in quantity, or uses any provisions or water which have been so certified as aforesaid to be of bad quality and unfit for use, he shall, in every such case, be liable to a penalty of not more than one hundred dollars; and upon every such examination the officers making or directing the same shall enter a statement of the result of the examination in the log-book, and shall send a report thereof to the district judge for the judicial district embracing the port to which such vessel is bound; and such report shall be received in evidence in any legal proceedings. [See § 5347.]

1198. SEC. 4566. If the officer to whom any such complaint, in regard to the provisions or the water, is made, certifies in such statement that there was no reasonable ground for such complaint, each of the parties so complaining shall be liable to forfeit to the master or owner, out of his wages, a sum not exceeding one week's wages.

1199. SEC. 4567. If any seamen, while on board any vessel, shall state to the master that they desire to make complaint, in accordance with the two preceding sections, in regard to the provisions or the water, to a

competent officer, against the master, the master shall, if the vessel is then at a place where there is any such officer, so soon as the service of the vessel will permit, and if the vessel is not then at such a place, so soon after her first arrival at such place as the service of the vessel will permit, allow such seamen, or any of them, to go ashore, or shall send them ashore, in proper custody, so that they may be enabled to make such complaint; and shall, in default, be liable to a penalty of not more than one hundred dollars.

1200. SEC. 4568. If, during a voyage, the allowance of any of the provisions which any seaman has, by his agreement, stipulated for, is reduced, except in accordance with any regulations for reduction by way of punishment, contained in the agreement, and also for any time during which such seaman willfully, and without sufficient cause, refuses or neglects to perform his duty, or is lawfully under confinement for misconduct, either on board or on shore; or if it is shown that any of such provisions are, or have been during the voyage, bad in quality and unfit for use, the seaman shall receive by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to and to be recoverable as wages:

First. If his allowance is reduced by any quantity not exceeding one-third of the quantity specified in the agreement, a sum not exceeding fifty cents a day.

Second. If his allowance is reduced by more than one-third of such quantity, a sum not exceeding one dollar a day.

Third. In respect of bad quality, a sum not exceeding one dollar a day.

But if it is shown to the satisfaction of the court before which the case is tried, that any provisions, the allowance of which has been reduced, could not be procured or supplied in sufficient quantities, or were unavoidably injured or lost, and that proper and equivalent substitutes were supplied in lieu thereof, in a reasonable time, the court shall take such circumstances into consideration, and shall modify or refuse compensation, as the justice of the case may require.

1201. SEC. 4569. Every vessel belonging to a citizen of the United States, bound from a port in the United States to any foreign port, or being of the burden of seventy-five tons or upward, and bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall be provided with a chest of medicines; and every sailing-vessel bound on a voyage across the Atlantic or Pacific Ocean, or around Cape Horn, or the Cape of Good Hope, or engaged in the whale or other fisheries, or in sealing, shall also

be provided with, and cause to be kept, a sufficient quantity of lime or lemon juice, and also sugar and vinegar, or other anti-scorbutics, to be served out to every seaman as follows: The master of every such vessel shall serve the lime or lemon juice, and sugar and vinegar, to the crew, within ten days after salt provisions mainly have been served out to the crew, and so long afterward as such consumption of salt provisions continues; the lime or lemon juice and sugar daily at the rate of half an ounce each per day; and the vinegar weekly, at the rate of half a pint per week for each member of the crew.

1202. SEC. 4570. If, on any such vessel, such medicines, medical stores, lime or lemon juice, or other articles, sugar, and vinegar, as are required by the preceding section; are not provided and kept on board, as required, the master or owner shall be liable to a penalty of not more than five hundred dollars; and if the master of any such vessel neglects to serve out the lime or lemon juice, and sugar and vinegar in the case and manner directed, he shall for each such offense be liable to a penalty of not more than one hundred dollars; and if any master is convicted in either of the offenses mentioned in this section, and it appears that the offense is owing to the act or default of the owner, such master may recover the amount of such penalty, and the costs incurred by him, from the owner.

1203. SEC. 4571. Every master shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles, in the presence of a witness, whenever any dispute arises about such quantities, and in default shall, for every offense, be liable to a penalty of not more than fifty dollars.

1204. SEC. 4572. Every vessel bound on any foreign voyage shall also be provided with at least one suit of woolen clothing for each seaman, for use during the winter months; and every such vessel shall be provided with fuel and a safe and suitable room in which a fire can be kept for the use of seamen.

1205. SEC. 4573. Before a clearance is granted to any vessel bound on a foreign voyage or engaged in the whale-fishery, the master thereof shall deliver to the collector of the customs a list containing the names, places of birth and residence, and description of the persons who compose his ship's company; to which list the oath of the captain shall be annexed, that the list contains the names of his crew, together with the places of their birth and residence, as far as he can ascertain them; and

the collector shall deliver him a certified copy thereof, for which the collector shall be entitled to receive the sum of twenty-five cents.

1206. SEC. 4574. In all cases of private vessels of the United States sailing from a port in the United States to a foreign port, the list of the crew shall be examined by the collector for the district from which the vessel shall clear, and, if approved of by him, shall be certified accordingly. No person shall be admitted or employed on board of any such vessel unless his name shall have been entered in the list of the crew, approved and certified by the collector for the district from which the vessel shall clear. The collector, before he delivers the list of the crew, approved and certified, to the master or proper officer of the vessel to which the same belongs, shall cause the same to be recorded in a book by him for that purpose to be provided, and the record shall be open for the inspection of all persons, and a certified copy thereof shall be admitted in evidence in any court in which any question may arise under any of the provisions of this Title.

1207. SEC. 4575. The following rules shall be observed with reference to vessels bound on any foreign voyage:

First. The duplicate list of the ship's company, required to be made out by the master and delivered to the collector of the customs, under section forty-five hundred and seventy-three, shall be a fair copy in one uniform handwriting, without erasure or interlineation.

Second. It shall be the duty of the owners of every such vessel to obtain from the [*shipping-commissioner, or officer acting as such in*] [collector of the customs of] the district from which the clearance is made, a true and certified copy of the shipping-articles, containing the names of the crew, which shall be written in a uniform hand, without erasures or interlineations.

Third. These documents, which shall be deemed to contain all the conditions of contract with the crew as to their service, pay, voyage, and all other things, shall be produced by the master, and laid before any consul, or other commercial agent of the United States, whenever he may deem their contents necessary to enable him to discharge the duties imposed upon him by law toward any mariner applying to him for his aid or assistance.

Fourth. All interlineations, erasures, or writing in a hand different from that in which such duplicates were originally made, shall be deemed fraudulent alterations, working no change in such papers, unless satisfactorily explained in a manner consistent with innocent purposes and the provisions of law which guard the rights of mariners.

Fifth. If any master of a vessel shall proceed on a foreign voyage without the documents herein required, or refuse to produce them when required, or to perform the duties imposed by this section, or shall violate the provisions thereof, he shall be liable to each and every individual injured thereby in damages, to be recovered in any court in the United States in the district where such delinquent may reside or be found, and in addition thereto be punishable by a fine of one hundred dollars for each offense.

Sixth. It shall be the duty of the boarding-officer to report all violations of this section to the collector of the port where any vessel may arrive, and the collector shall report the same to the Secretary of the Treasury and to the United States attorney in his district.

1208. SEC. 4576. The master of every vessel bound on a foreign voyage or engaged in the whale-fishery, shall enter into bond, with sufficient security, in the sum of four hundred dollars, that he shall exhibit the certified copy of the list of the crew, to the first boarding-officer, at the first port in the United States at which he shall arrive on his return, and also produce the persons named therein to the boarding-officer; whose duty it shall be to examine the men with such list, and to report the same to the collector; and it shall be the duty of the collector at the port of arrival, where the same is different from the port from which the vessel originally sailed, to transmit a copy of the list so reported to him to the collector of the port from which such vessel originally sailed. But such bond shall not be forfeited on account of the master not producing to the first boarding-officer any of the persons contained in the list, who may be discharged in a foreign country with the consent of the consul, vice-consul, commercial agent, or vice-commercial agent there residing, certified in writing, under his hand and official seal, to be produced to the collector with the other persons composing the crew; nor on account of any such person dying or absconding, or being forcibly impressed into other service, of which satisfactory proof shall be then also exhibited to the collector.

1209. SEC. 4577. It shall be the duty of the consuls, vice-consuls, commercial agents, and vice-commercial agents, from time to time, to provide for the seamen of the United States, who may be found destitute within their districts, respectively, sufficient subsistence and passages to some port in the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give. The seamen shall, if able, be bound to do duty

on board the vessels in which they may be transported, according to their several abilities. [See §§ 1719, 1736, 5363.]

1210. SEC. 4578. All masters of vessels of the United States, and bound to some port of the same, are required to take such destitute seamen on board their vessels, at the request of consular officers, and to transport them to the port in the United States to which such vessel may be bound, on such terms, not exceeding ten dollars for each person for voyages of not more than thirty days, and not exceeding twenty dollars for each person for longer voyages, as may be agreed between the master and the consular officer; and said consular officer shall issue certificates for such transportation, which certificates shall be assignable for collection.

If any such destitute seaman is so disabled or ill as to be unable to perform duty, the consular officer shall so certify in the certificate of transportation, and such additional compensation shall be paid as the First Comptroller of the Treasury shall deem proper.

Every master who refuses to receive and transport such seamen on the request or order of such consular officer shall be liable to the United States in a penalty of one hundred dollars for each seaman so refused. The certificate of any such consular officer, given under his hand and official seal, shall be presumptive evidence of such refusal in any court of law having jurisdiction for the recovery of the penalty.

No master of any vessel shall, however, be obliged to take a greater number than one man to every one hundred tons burden of the vessel on any one voyage.

[As amended by sec. 9, act June 26, 1884, 23 Stat., 53.]

1211. SEC. 4579. Whenever distressed seamen of the United States are transported from foreign ports where there is no consular officer of the United States, to ports of the United States, there shall be allowed to the master or owner of each vessel, in which they are transported, such reasonable compensation, in addition to the allowance now fixed by law, as shall be deemed equitable by the First Comptroller of the Treasury.

1212. SEC. 4580. Upon the application of the master of any vessel to a consular officer to discharge a seaman, or upon the application of any seaman for his own discharge, if it appears to such officer that said seaman has completed his shipping agreement, or is entitled to his discharge under any act of Congress or according to the general principles or usages of maritime law as recognized in the United States, such officer shall discharge said seaman, and require from the master of said vessel,

before such discharge shall be made, payment of the wages which may then be due said seaman;

But no payment of extra wages shall be required by any consular officer upon such discharge of any seaman except as provided in this act.

[As amended by sec. 2, act June 26, '84, 23 Stat., 53.]

1213. SEC. 4581. If an consular officer, when discharging any seaman, shall neglect to require the payment of and collect the arrears of wages and extra wages required to be paid in the case of the discharge of any seaman, he shall be accountable to the United States to the full amount thereof.

If any seaman, after his discharge, shall have incurred any expense for board or other necessaries, or for reasonable charges for medical care and nursing, at the place of his discharge, before shipping again, or for transportation to the United States, such expense shall be paid out of the arrears of wages and extra wages received by the consular officer, which shall be retained for that purpose, and the balance only paid over to such seaman; and if such arrears and extra wages are not sufficient to defray such expense, the deficiency shall be paid from the fund in the Treasury for the maintenance and transportation of destitute American seamen.

[As amended by sec. 7, act June 26, '84, 23 Stat., 53, and sec. 3, act April 4, 1888, 25 Stat., 80.]

1214. SEC. 4582. Whenever a vessel of the United States is sold in a foreign country, and her company discharged, it shall be the duty of the master to produce to the consular officer the certified list of his ship's company, and also the shipping articles, and to pay to said consular officer for every seaman so discharged one month's wages over and above the wages which may then be due to such seaman;

But in case the master of the vessel so sold shall, with the assent of said seaman, provide him with adequate employment on board some other vessel bound to the port at which he was originally shipped, or to such other port as may be agreed upon by him, then no payment of extra wages shall be required.

[As amended by sec. 5, act June 26, '84, 23 Stat., 53.]

1215. SEC. 4583. Whenever on the discharge of a seaman in a foreign country, on his complaint that the voyage is continued contrary to agreement, the consular officer shall be satisfied that such voyage has been designedly and unnecessarily prolonged in violation of the articles



of shipment, or whenever a seaman is discharged by a consular officer in consequence of any hurt or injury received in the service of the vessel, such consular officer shall require the payment by the master of one month's wages for such seaman over and above the wages due at the time of discharge.

[As amended by sec. 3, act June 26, 1884, 23 Stat., 53.]

SEC. 4584. [Repealed, act June 26, 1884, 23 Stat., 53.]

SEC. 4585. [Repealed, act June 26, 1884, 23 Stat., 53.]

SEC. 4586. [Repealed, act June 26, 1884, 23 Stat., 53.]

SEC. 4587. [Repealed, act June 26, 1884, 23 Stat., 53.]

1216. SEC. 4588. The collector of every district shall keep a book or books, in which, at the request of any seaman, being a citizen of the United States of America, and producing proof of his citizenship, authenticated in the manner hereinafter directed, he shall enter the name of such seaman, and shall deliver to him a certificate, in the following form, that is to say: "I, A. B., collector of the district of D., do hereby certify, that E. F., an American seaman, aged ——— years, or thereabouts, of the height of ——— feet ——— inches, (describing the said seaman as particularly as may be,) has, this day, produced to me proof in the manner directed by law; and I do hereby certify that the said E. F. is a citizen of the United States of America. In witness whereof, I have hereunto set my hand and seal of office, this ——— day of ———." It shall be the duty of the collectors to file and preserve the proofs of citizenship so produced. For each certificate so delivered, the collectors shall be entitled to receive from the seaman applying for the same the sum of twenty-five cents. [See § 2174.]

1217. SEC. 4589. The master of every vessel of the United States, any of the crew whereof shall have been impressed or detained by any foreign power, shall, at the first port at which such vessel arrives, if such impressment or detention happened on the high seas, or if the same happened within any foreign port, then in the port in which the same happened, immediately make a protest, stating the manner of such impressment or detention, by whom made, together with the name and place of residence of the person impressed or detained; distinguishing also whether he was an American citizen; and, if not, to what nation he belonged. Such master shall also transmit, by post or otherwise, every such protest made in a foreign country, to the nearest consul or agent, or to the minister of the United States resident in such country, if any such there be; preserving a duplicate of such protest, to be by

him sent immediately after his arrival within the United States to the Secretary of State, together with information to whom the original protest was transmitted. In case such protest shall be made within the United States, or in any foreign country, in which no consul, agent, or minister of the United States resides, the same shall, as soon thereafter as practicable, be transmitted by such master, by post or otherwise, to the Secretary of State.

1218. SEC. 4590. The collectors of the districts of the United States shall, from time to time, make known the provisions of the two preceding sections to all masters of vessels of the United States entering or clearing at their several offices. The master of every such vessel shall, before he is admitted to an entry by any such collector, be required to declare on oath whether any of the crew of the vessel under his command have been impressed or detained, in the course of his voyage, and how far he has complied with the directions of the preceding section. Every master who willfully neglects or refuses to make the declarations herein required, or to perform the duties enjoined by the preceding section, shall be liable to a penalty of one hundred dollars. The collectors shall prosecute for any forfeiture that may be incurred under this section.

1219. SEC. 4591. The collector of every port of entry in the United States shall send a list of the seamen to whom certificates of citizenship have been granted, once every three months, to the Secretary of State, together with an account of such impressments or detentions, as shall appear by the protests of the masters, to have taken place.

## CHAPTER VI.

### FEES OF SHIPPING-COMMISSIONERS.

1220. SEC. 4592. Fees not exceeding the sums specified in the tables marked "C" and "D" in the schedule annexed to this Title, shall be payable upon all engagements and discharges and apprenticeships effected before any shipping-commissioner. Each shipping-commissioner shall cause a scale of the fees payable to be prepared, and to be conspicuously placed in the shipping-office, and may refuse to proceed with any engagement or discharge unless the fees payable thereon are first paid.

1221. SEC. 4593. Every owner, consignee, agent, or master of a vessel engaging or discharging any seaman in a shipping-office, or before a shipping-commissioner, shall pay to the shipping-commissioner the whole of the fees hereby made payable in respect of such engagement

or discharge; and may, for the purpose of in part re-imbursing himself, deduct, in respect to each such engagement or discharge, from the wages of all persons except apprentices, so engaged or discharged, and retain, any sums not exceeding the sums specified in that behalf in the table marked "E" in the schedule annexed to this Title.

**1222. SEC. 4594.** In no case shall the salary, fees, and emoluments of any officer appointed under this Title be more than five thousand dollars per annum; and any additional fees shall be paid into the Treasury of the United States.

**1223. SEC. 4595.** Every shipping-commissioner, and every clerk or employé in any shipping-office, who demands or receives any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for any merchant-vessels, excepting the lawful fees payable under this Title, shall, for every such offense, be liable to a penalty of not more than two hundred dollars.

## CHAPTER VII.

### OFFENSES AND PUNISHMENTS.

**1224. SEC. 4596.** Whenever any seaman who has been lawfully engaged, or any apprentice to the sea-service, commits any of the following offenses, he shall be punished as follows:

First. For desertion, by imprisonment for not more than three months, and by forfeiture of all or any part of the clothes or effects he leaves on board, and of all or any part of the wages or emoluments which he has then earned.

Second. For neglecting and refusing, without reasonable cause, to join his vessel, or to proceed to sea in his vessel, or for absence without leave at any time within twenty-four hours of the vessel sailing from any port, either at the commencement or during the progress of any voyage; or for absence at any time without leave, and without sufficient reason, from his vessel, or from his duty, not amounting to desertion, or not treated as such by the master; by imprisonment for not more than one month, and also, at the discretion of the court, by forfeiture of his wages, of not more than two days' pay, and, for every twenty-four hours of absence, either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute.

Third. For quitting the vessel without leave after her arrival at her port of delivery, and before she is placed in security, by forfeiture out of his wages of not more than one month's pay.

Fourth. For willful disobedience to any lawful command, by imprisonment for not more than two months, and also, at the discretion of the court, by forfeiture out of his wages of not more than four days' pay.

Fifth. For continued willful disobedience to lawful commands, or continued willful neglect of duty, by imprisonment for not more than six months, and also, at the discretion of the court, by forfeiture, for every twenty-four hours' continuance of such disobedience or neglect, of either a sum not more than twelve days' pay, or sufficient to defray any expenses which have been properly incurred in hiring a substitute.

Sixth. For assaulting any master or mate, by imprisonment for not more than two years. [See § 5359.]

Seventh. For combining with any others of the crew to disobey lawful commands, or to neglect duty, or to impede navigation of the vessel, or the progress of the voyage, by imprisonment for not more than twelve months. [See § 5360.]

Eighth. For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, by forfeiture out of his wages, of a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, by imprisonment for not more than twelve months.

Ninth. For any act of smuggling of which he is convicted, and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or any part of his wages may be retained in satisfaction or on account of such liability; and he shall also be liable to imprisonment for a period of not more than twelve months.

1225. SEC. 4597. Upon the commission of any of the offenses enumerated in the preceding section, an entry thereof shall be made in the official log-book, and shall be signed by the master, and by the mate or one of the crew; and the offender, if still in the vessel, shall, before her next arrival at any port, or if she is at the time in port, before her departure therefrom, either be furnished with a copy of such entry, or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit; and a statement that a copy of the entry has been so furnished, or the same has been so read over, together with the reply, if any, made by the offender, shall likewise be entered and signed in the same manner. In any subsequent legal proceedings the entries hereinbefore required shall, if practicable, be produced or proved, and in default of such production or proof, the court hearing

the case may, at its discretion, refuse to receive evidence of the offense. [See §§ 4290-4292.]

1226. SEC. 4598. If any seaman who shall have signed a contract to perform a voyage shall, at any port or place, desert, or shall absent himself from such vessel, without leave of the master, or officer commanding in the absence of the master, it shall be lawful for any justice of the peace within the United States, upon the complaint of the master, to issue his warrant to apprehend such deserter, and bring him before such justice; and if it then appears that he has signed a contract within the intent and meaning of this Title, and that the voyage agreed for is not finished, or altered, or the contract otherwise dissolved, and that such seaman has deserted the vessel, or absented himself without leave, the justice shall commit him to the house of correction or common jail of the city, town, or place, to remain there until the vessel shall be ready to proceed on her voyage, or till the master shall require his discharge, and then to be delivered to the master, he paying all the cost of such commitment, and deducting the same out of the wages due to such seaman.

1227. SEC. 4599. Whenever, either at the commencement of or during any voyage, any seaman or apprentice neglects or refuses to join, or deserts from or refuses to proceed to sea in, any vessel in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master, or any mate, or the owner, or consignee, or shipping-commissioner, may, in any place in the United States, with or without the assistance of the local public officers or constables, who are hereby directed to give their assistance if required, and also at any place out of the United States, if and so far as the laws in force at such place will permit, apprehend him without first procuring a warrant; and may thereupon, in any case, and shall in case he so requires and it is practicable, convey him before any court of justice or magistrate of any State, city, town, or county, within the United States, authorized to take cognizance of offenses of like degree and kind, to be dealt with according to the provisions of law governing such cases; and may, for the purpose of conveying him before such court or magistrate, detain him in custody for a period not exceeding twenty-four hours, or may, if he does not so require, or if there is no such court at or near the place, at once convey him on board. If such apprehension appears to the court or magistrate before whom the case is brought to have been made on improper or on insufficient grounds, the master, mate, consignee, or shipping-commissioner who makes the same, or causes the same to be

made, shall be liable to a penalty of not more than one hundred dollars; but such penalty, if inflicted, shall be a bar to any action for false imprisonment.

1228. SEC. 4600. It shall be the duty of consular officers to reclaim deserters and discountenance insubordination by every means within their power, and where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end in the most effectual manner.

In all cases where deserters are apprehended the consular officer shall inquire into the facts; and if he is satisfied that the desertion was caused by unusual or cruel treatment, he shall discharge the seaman, and require the master of the vessel from which such seaman is discharged to pay one month's wages over and above the wages then due; and the officer discharging such seaman shall enter upon the crew-list and shipping articles the cause of discharge, and the particulars in which the cruelty or unusual treatment consisted, and the facts as to his discharge or re-engagement, as the case may be, and subscribe his name thereto officially.

[As amended by sec. 6, act June 26, 1884, 23 Stat., 53.]

1229. SEC. 4601. Whenever any person harbors or secretes any seaman belonging to any vessel, knowing him to belong thereto, he shall be liable to pay ten dollars for every day during which he continues so to harbor or secrete such seaman, recoverable one-half to the use of the person [*persecuting*] [prosecuting] for the same, the other half to the use of the United States.

1230. SEC. 4602. Any master of, or any seaman or apprentice belonging to, any merchant-vessel, who, by willful breach of duty, or by reason of drunkenness, does an act tending to the immediate loss or destruction of, or serious damage to such vessel, or tending immediately to endanger the life or limb of any person belonging to or on board of such vessel; or who, by willful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such vessel from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall, for every such offense, be deemed guilty of a misdemeanor, punishable by imprisonment for not more than twelve months.

1231. SEC. 4603. Any question concerning the forfeiture of, or deductions from, the wages of any seaman or apprentice, may be determined in any proceeding lawfully instituted with respect to such wages, not-

withstanding the offense in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

1232. SEC. 4604. All clothes, effects, and wages which, under the provisions of this Title, are forfeited for such desertion, shall be applied, in the first instance, in payment of the expenses occasioned by such desertion, to the master or owner of the vessel from which the desertion has taken place, and the balance, if any, shall be paid by the master or owner to any shipping-commissioner resident at the port at which the voyage of such vessel terminates; and the shipping-commissioner shall account for and pay over such balance to the judge of the circuit court within one month after the commissioner receives the same, to be disposed of by him in the same manner as is prescribed for the disposal of the money, effects, and wages of deceased seamen. When any master or owner neglects or refuses to pay over to the shipping-commissioner such balance, he shall be liable to a penalty of double the amount thereof, recoverable by the commissioner in the same manner that seamen's wages are recovered. In all other cases of forfeiture of wages, the forfeiture shall be for the benefit of the master or owner by whom the wages are payable.

1233. SEC. 4605. Whenever in any proceeding relating to seamen's wages it is shown that any seaman or apprentice has, in the course of the voyage, been convicted of any offense by any competent tribunal, and rightfully punished therefor, by imprisonment or otherwise, the court hearing the case may direct a part of the wages due to such [seamen] [seaman,] not exceeding fifteen dollars, to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment.

1234. SEC. 4606. Every person who, not being in the United States service, and not being duly authorized by law for the purpose, goes on board any vessel about to arrive at the place of her destination, before her actual arrival, and before she has been completely moored, without permission of the master, shall, for every such offense, be punishable by a fine of not more than two hundred dollars, and by imprisonment for not more than six months; and the master of such vessel may take any such person so going on board into custody, and deliver him up forthwith to any constable or police officer, to be by him taken before any justice of the peace, to be dealt with according to the provisions of this Title.

1235. SEC. 4607. If, within twenty-four hours after the arrival of any

vessel at any port in the United States, any person, then being on board such vessel, solicits any seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of such vessel any effects of any seaman, except under his personal direction, and with the permission of the master, he shall, for every such offense, be punishable by a fine of not more than fifty dollars, or by imprisonment for not more than three months.

1236. SEC. 4608. No seaman in the merchant-service shall wear any sheath-knife on shipboard. It shall be the duty of the master of any vessel registered, enrolled, or licensed under the laws of the United States, or of the person entering into contract for the employment of a seaman upon any such vessel, to inform every person offering to ship himself of the provisions of this section, and to require his compliance therewith, under a penalty of fifty dollars for each omission, to be sued for and recovered in the name of the United States, under the direction of the Secretary of the Treasury; one half for the benefit of the informer, and the other half for the benefit of the fund for the relief of sick and disabled seamen.

1237. SEC. 4609. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as a seaman, or from any person on his behalf, any remuneration whatever other than the fees hereby authorized, for providing him with employment, he shall, for every such offense, be liable to a penalty of not more than one hundred dollars.

1238. SEC. 4610. All penalties and forfeitures imposed by this Title, for the recovery whereof no specific mode is hereinbefore provided, may be recovered, with costs, in any circuit court of the United States, at the suit of any district attorney of the United States, or at the suit of any person by information to any district attorney in any port of the United States, where or near to where the offense is committed or the offender is found; and if a conviction is had, and the sum imposed as a penalty by the court is not paid either immediately after the conviction, or within such period as the court at the time of the conviction appoints, it shall be lawful for the court to commit the offender to prison, there to be imprisoned for the term hereinbefore provided in case of such offense, the commitment to be terminable upon payment of the amount and costs; and all penalties and forfeitures mentioned in this Title for which no special application is provided, shall, when recovered, be paid and applied in manner following: So much as the court shall determine, and the residue shall be paid to the court and be remitted from time to time, by order of the judge, to the Treasury of the United States, and



appropriated as provided for in section forty-five hundred and forty-five: *Provided always*, That it shall be lawful for the court before which any proceeding shall be instituted for the recovery of any pecuniary penalty imposed by this act, to mitigate or reduce such penalty as to such court shall appear just and reasonable; but no such penalty shall be reduced to less than one-third of its original amount: *Provided also*, That all proceedings so to be instituted shall be commenced within two years next after the commission of the offense, if the same shall have been committed at or beyond the Cape of Good Hope or Cape Horn, or within one year if committed elsewhere, or within two months after the return of the offender and the complaining party to the United States; and there shall be no appeal from any decision of any of the circuit courts, unless the amount sued for exceeds the sum of five hundred dollars.

1239. SEC. 4611. Flogging on board vessels of commerce is hereby abolished.

1240. SEC. 4612. In the construction of this Title, every person having the command of any vessel belonging to any citizen of the United States shall be deemed to be the "master" thereof; and every person (apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same shall be deemed and taken to be a "seaman;" and the term "vessel" shall be understood to comprehend every description of vessel navigating on any sea or channel, lake or river, to which the provisions of this Title may be applicable, and the term "owner" shall be taken and understood to comprehend all the several persons, if more than one, to whom the vessel shall belong.

#### SCHEDULE.

##### 1241. TABLE A.

###### FORM OF ARTICLES OF AGREEMENT.

###### UNITED STATES OF AMERICA.

(Date and place of first signature of agreement, including name of shipping-office):

It is agreed between the master and seamen or mariners of the \_\_\_\_\_, of which \_\_\_\_\_ is at present master, or whoever shall go for master, now bound from the port of \_\_\_\_\_, \_\_\_\_\_, to \_\_\_\_\_, \_\_\_\_\_, (here the voyage is to be described, and the places named at which the vessel is to touch, or if that cannot be done, the general nature and probable length of the voyage is to be stated.)

And the said crew agree to conduct themselves in an orderly, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the master, or of any person who shall lawfully succeed him; and of the superior officers in everything relating to the vessel, and the stores and thereof, whether on board, in boats, or on shore; and in consequence of which service, to be duly performed, the said master hereby to pay the said crew, as wages, the sums against their names respectively expressed, and to supply them with provisions according to the annexed scale. And it is hereby agreed that any embezzlement, or negligent destruction of any part of the vessel's cargo or stores shall be made good to the owner out of the wages of the person of the same; and if any person enters himself as qualified for which he proves himself incompetent to perform, his wages shall be reduced in proportion to his incompetency. And it is also agreed that if any member of the crew considers himself to be aggrieved by a breach of the agreement or otherwise, he shall represent the same to the master or officer in charge of the vessel, in a quiet and orderly manner, who shall thereupon take such steps as the case may require. And it is also agreed that (here any other stipulations may be inserted which the parties agree, and which are not contrary to law).

In witness whereof the said parties have subscribed their names hereto, on the days against their respective signatures mentioned.

Signed by \_\_\_\_\_, master, on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, at \_\_\_\_\_, hundred and \_\_\_\_\_.

Signature of crew.	Birthplace.	Age.	Height.		Description.		Wages per month.	Wages per run.	Advance wages.	Amount of monthly allotment.	Time of service.		Hospital-money.	Whole wages.	Wages due.	Place and time of entry.	Time at which he is to be on board.	In what capacity.	Christian name.	
			Feet.	Inches.	Complexion.	Hair.					Months.	Days.								

NOTE.—In the place for signatures and descriptions of men after the first departure of the ship, the entries are to be made a

except that the signatures of the consul or vice-consul, officer of customs, or witness before whom the man is engaged, is to be substituted for that of the shipping-master.

ACCOUNT OF APPRENTICES ON BOARD.

Christian and surname of apprentice in full.	Date of registry of indenture.	Port at which indenture was registered.	Date of registry of assignment.	Port at which assignment was registered.

SCALE OF PROVISIONS TO BE ALLOWED AND SERVED OUT TO THE CREW DURING THE VOYAGE.

	Bread.	Beef.	Pork.	Flour.	Pease.	Rice.	Barley.	Tea.	Coffee.	Sugar.	Water.
	Lbs.	Lbs.	Lbs.	Lbs.	Pts.	Pts.	Pts.	Ozs.	Ozs.	Ozs.	Qts.
Sunday .....	1	1½	---	½	---	---	---	---	---	---	3
Monday .....	1	---	1½	---	½	---	---	---	---	---	3
Tuesday .....	1	1½	---	½	---	---	---	---	---	---	3
Wednesday .....	1	---	1½	---	½	---	---	---	---	---	3
Thursday .....	1	1½	---	½	---	---	---	---	---	---	3
Friday .....	1	---	1½	---	½	---	---	---	---	---	3
Saturday .....	1	1½	---	---	---	---	---	---	---	---	3

(Here any stipulation for changes, or substitution of one article for another, may be inserted.)

SUBSTITUTES.

One ounce of coffee, or cocoa, or chocolate, may be substituted for one-quarter ounce of tea; molasses for sugar, the quantity to be one-half more; one pound of potatoes or yams, one-half pound flour or rice; one-third pint of pease or one-quarter pint of barley may be substituted for each other. When fresh meat is issued, the proportion to be two pounds per man per day, in lieu of salt meat. Flour, rice, and pease, beef and pork, may be substituted for each other, and, for potatoes, onions may be substituted.

## 1242. TABLE B.

## CERTIFICATE OF DISCHARGE.

Name and official number of ship.	Port of registry.	Tonnage.	Description of voyage or employment.	Name of seaman.	Place of birth.	Date of birth.	Character.	Declines to give statement of character.	Capacity.	Date of entry.	Date of discharge.	Place of discharge.

I certify that the above particulars are correct, and that the above-named seaman was discharged accordingly.

Dated — day of —, eighteen hundred and —.

(Signed) \_\_\_\_\_, Master.

(Countersigned) \_\_\_\_\_, Seaman.

Given to the above-named seaman in my presence this — day of —, eighteen hundred and —.

(Signed) \_\_\_\_\_,

Shipping-Commissioner.

## 1243. TABLE C.

## FEES (SEAMEN).

Fee payable on engaging crew, for each member of the crew, (except apprentices) .....	\$2.00
Fee payable on discharging crew, for each member of crew discharged .....	.50

## 1244. TABLE D.

## FEES (APPRENTICES).

For each boy apprenticed to the merchant service, including the indenture .....	\$5.00
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## 1245 TABLE E.

## REDUCTION FROM WAGES OF SEAMEN.

In partial repayment of the fees payable in Table C, in respect of engagements, from the wages of each member of the crew, twenty-five cents.

In respect of discharges, from the wages of each member of the crew, twenty-five cents.

CHAP. 260.—An act in reference to the operations of the Shipping Commissioners' Act, approved June seventh eighteen hundred and seventy-two.<sup>1</sup>

1246. *Be it enacted, &c.*, That none of the provisions of an act entitled "An act to authorize the appointment of shipping commissioners by the several circuit courts of the United States to superintend the shipping and discharge of seamen engaged in merchant ships belonging to the United States, and for the further protection of seamen" shall apply to sail or steam vessels engaged in the coastwise trade, except the coastwise trade between the Atlantic and Pacific coasts, or in the lake-going trade touching at foreign ports or otherwise, or in the trade between the United States and the British North American possessions, or in any case where the seamen are by custom or agreement entitled to participate in the profits or result of a cruise, or voyage. [June 9, 1874.]

1247. CHAP. 121.—*An act to remove certain burdens on the American merchant marine and encourage the American foreign-carrying trade and for other purposes.*

SEC. 1. [Amendment of sec. 4131, R. S.]

SEC. 2. [Substitute for sec. 4580, R. S.]

SEC. 3. [Substitute for sec. 4583, R. S.]

SEC. 4. [Substitute for sec. 4561, R. S.]

SEC. 5. [Substitute for sec. 4582, R. S.]

SEC. 6. [Substitute for sec. 4600, R. S.]

SEC. 7. [Substitute for sec. 4581, R. S.]

SEC. 8. [Repeal of sec. 4584, R. S.]

SEC. 9. [Substitute for 4578, R. S.]

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<sup>1</sup> The act of 1872, June 7, ch. 322 (17 Stat. L., 262), is incorporated into the Revised Statutes.

These provisions relate mainly to the shipment and discharge of crews by shipping commissioners. Such shipment and discharge are made by this act inapplicable to the crews of vessels engaged in the coastwise trade, but 1886, June 19, ch. 421, § 2, makes the shipment and discharge of such crews permissible, and 1890, Aug. 19, ch. 801 makes it compulsory.

There seems to be some question whether the act in the text is not still so far in force as to prevent the operation of R. S., § 4536, upon crews of vessels in the coastwise trade.

1248. "SEC. 10. That it shall be, and is hereby, made unlawful in any case to pay any seamen wages before leaving the port at which such seaman may be engaged in advance of the time when he has actually earned the same, or to pay such advance wages to any other person, or to pay any person, other than an officer authorized by act of Congress to collect fees for such service, any remuneration for the shipment of seamen.

Any person paying such advance wages or such remuneration shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not less than four times the amount of the wages so advanced or remuneration so paid, and may be also imprisoned for a period not exceeding six months, at the discretion of the court.

The payment of such advanced wages or remuneration shall in no case, except as herein provided, absolve the vessel, or the master or owner thereof, from full payment of wages after the same shall have been actually earned, and shall be no defense to a libel, suit, or action for the recovery of such wages:

*Provided*, That this section shall not apply to whaling-vessels:

*And provided further*, That it shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of all or any portion of the wages which he may earn to his wife, mother, or other relative, or to an original creditor in liquidation of any just debt for board or clothing which he may have contracted prior to engagement, not exceeding ten dollars per month for each month of the time usually required for the voyage for which the seaman has shipped, under such regulations as the Secretary of the Treasury may prescribe, but no allotment to any other person or corporation shall be lawful.

And any person who shall falsely claim such relationship to any seaman in order to obtain wages so allotted shall, for every such offense, be punishable by a fine of not exceeding five hundred dollars, or imprisonment not exceeding six months, at the discretion of the court.

This section shall apply as well to foreign vessels as to vessels of the United States;

And any master, owner, consignee, or agent of any foreign vessel who has violated this section shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for a similar violation.

[As amended by sec. 3, act June 19, 1886, 24 Stat., 79.]

1249. SEC. 11. That every vessel mentioned in section forty-five hundred and sixty-nine of the Revised Statutes shall also be provided with a slop-

chest, which shall contain a complement of clothing for the intended voyage for each seaman employed, including boots or shoes, hats or caps, under clothing and outer clothing, oiled clothing, and everything necessary for the wear of a seaman; also a full supply of tobacco and blankets.

Any of the contents of the slop-chest shall be sold, from time to time, to any or every seaman applying therefor, for his own use, at a profit not exceeding ten per centum of the reasonable wholesale value of the same at the port at which the voyage commenced.

And if any such vessel is not provided, before sailing, as herein required, the owner shall be liable to a penalty of not more than five hundred dollars.

The provisions of this section shall not apply to vessels plying between the United States and the Dominion of Canada, Newfoundland, the Bermuda Islands, the Bahama Islands, the West Indies, Mexico and Central America.<sup>1</sup>

1250. SEC. 12. That on and after July first, eighteen hundred and eighty-four, no fees named in the tariff of consular fees prescribed by order of the President shall be charged or collected by consular officers for the official services to American vessels and seamen.

Consular officers shall furnish the master of every such vessel with an itemized statement of such services performed on account of said vessel, with the fee so prescribed for each service, and make a detailed report to the Secretary of the Treasury of such services and fees, under such regulations as the Secretary of State may prescribe; and the Secretary of the Treasury shall allow consular officers who are paid in whole or in part by fees such compensation for said services as they would have received prior to the passage of this act:

*Provided*, That such services, in the opinion of the Secretary of the Treasury have been necessarily rendered;

And a sum sufficient for the payment of such compensation, when thus adjusted by the Secretary of the Treasury, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Sec 13. [Substitute for sec 4213 R. S.]

1251. SEC. 14. That in lieu of the tax on tonnage of thirty cents per ton per annum imposed prior to July first, eighteen hundred and eighty-four, a duty of three cents per ton, not to exceed in the aggregate fifteen cents per ton in any one year, is hereby imposed at each entry on all vessels which shall be entered in any port of the United States from

<sup>1</sup>Or, by 1886, June 19, ch. 421, § 13, to vessels engaged in the whaling or fishing business.

any foreign port or place in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, or the coast of South America bordering on the Caribbean Sea, or the Sandwich Islands, or Newfoundland;

And a duty of six cents per ton, not to exceed thirty cents per ton per annum, is hereby imposed at each entry upon all vessels which shall be entered in the United States from any other foreign ports, not, however, to include vessels in distress or not engaged in trade:

*Provided*, That the President of the United States shall suspend the collection of so much of the duty herein imposed, on vessels entered from any foreign port, as may be in excess of the tonnage and lighthouse dues, or other equivalent tax or taxes, imposed in said port on American vessels by the Government of the foreign country in which such port is situated, and shall, upon the passage of this act, and from time to time thereafter as often as it may become necessary by reason of changes in the laws of the foreign countries above mentioned, indicate by proclamation the ports to which such suspension shall apply, and the rate or rates of tonnage-duty, if any, to be collected under such suspension:

*Provided further*, That such proclamation shall exclude from the benefits of the suspension herein authorized the vessels of any foreign country in whose ports the fees or dues of any kind or nature imposed on vessels of the United States, or the import or export duties on their cargoes, are in excess of the fees, dues, or duties imposed on the vessels <sup>(1)</sup> of the country in which such port is situated, or on the cargoes of such vessels;

And sections forty-two hundred and twenty-three and forty-two hundred and twenty-four, and so much of section forty-two hundred and nineteen of the Revised Statutes as conflicts with this section, are hereby repealed.

[As amended by sec. 11, act June 19, 1886, 24 Stats., 79.]

1252. SEC. 15. Sections forty-five hundred and eighty-five, forty-five hundred and eighty-six, and forty-five hundred and eighty-seven of the Revised Statutes, and all other acts and parts of acts providing for the assessment and collection of a hospital tax for seamen, are hereby, repealed, and the expense of maintaining the Marine Hospital Service shall hereafter be borne by the United States out of the receipts for duties on tonnage provided for by this act; and so much thereof as may be necessary, is hereby appropriated for that purpose.

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(1) See words here substituted by 1888, April 4, ch. 61, § 1.



1253. SEC. 16. All articles of foreign production needed, and actually withdrawn from bonded warehouses, for supplies not including equipment of vessels of the United States engaged in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States, may be so withdrawn free of duty, under such regulations as the Secretary of the Treasury may prescribe.

1254. SEC. 17. When a vessel is built in the United States for foreign account, wholly or partly of foreign materials on which import duties have been paid, there shall be allowed on such vessel, when exported, a drawback equal in amount to the duty paid on such materials, to be ascertained under such regulations as may be prescribed by the Secretary of the Treasury. Ten per centum of the amount of such drawback so allowed shall, however, be retained for the use of the United States by the collector paying the same.

1255. SEC. 18. That the individual liability of a ship-owner, shall be limited to the proportion of any or all debts and liabilities that his individual share of the vessel bears to the whole; and the aggregate liabilities of all the owners of a vessel on account of the same shall not exceed the value of such vessels and freight pending:

*Provided*, That this provision shall not affect the liability of any owner incurred previous to the passage of this act, nor prevent any claimant from joining all the owners in one action; nor shall the same apply to wages due to persons employed by said ship-owners.

1256. SEC. 19. That a master of a vessel in the foreign trade may engage a seaman at any port in the United States, in the manner provided by law, to serve on a voyage to any port, or for the round trip from and to the port of departure, or for a definite time, whatever the destination.

The master of a vessel making regular and stated trips between the United States and a foreign country may engage a seaman for one or more round trips, or for a definite time, or on the return of said vessel to the United States may reship such seaman for another voyage in the same vessel, in the manner provided by law, without the payment of additional fees to any officer for such reshipment or re-engagement.

1257. SEC. 20. That every master of a vessel in the foreign trade may engage any seaman at any port out of the United States, in the manner provided by law, to serve for one or more round trips from and to the port of departure, or for a definite time, whatever the destination;

And the master of a vessel clearing from a port of the United States with one or more seamen engaged in a foreign port as herein provided

shall not be required to reship in a port of the United States the seamen so engaged, or to give bond, as required by section forty-five hundred and seventy-six of the Revised Statutes, to produce said seamen before a boarding officer on the return of said vessel to the United States.

1258. SEC. 21. That the word "port," as used in sections forty-one hundred and seventy-eight and forty-three hundred and thirty-four of the Revised Statutes, in reference to painting the name and port of every registered or licensed vessel on the stern of such vessel, shall be construed to mean either the port where the vessel is registered or enrolled, or the place in the same district where the vessel was built or where one or more of the owners reside.

1259. SEC. 22. That until the provisions of section one, chapter three hundred and seventy-six, of the laws of eighteen hundred and eighty-two, shall be made applicable to passengers coming into the United States by land carriage, said provisions shall not apply to passengers coming by vessels employed exclusively in the trade between the ports of the United States and the ports of the Dominion of Canada or the ports of Mexico.

1260. SEC. 23. That sections thirty-nine hundred and seventy-six and forty-two hundred and three of the Revised Statutes of the United States, and all other compulsory laws and parts of laws that oblige American vessels to carry the mails to and from the United States arbitrarily, or that prevent the clearance of vessels until they shall have taken mail matter on board, be and the same are hereby repealed, but such repeal shall not take effect until the first day of April eighteen hundred and eighty-five.

1261. SEC. 24. That section twenty-nine hundred and sixty-six of the Revised Statutes be amended by striking out the words "propelled in whole or in part by steam"; so that said section as amended shall read as follows:

"SEC. 2966. When merchandise shall be imported into any port of the United States from any foreign country in vessels, and it shall appear by the bills of lading that the merchandise so imported is to be delivered immediately after the entry of the vessel, the collector of such port may take possession of such merchandise and deposit the same in bonded warehouse;

And when it does not appear by the bills of lading that the merchandise so imported is to be immediately delivered, the collector of the customs may take possession of the same and deposit it in bonded warehouse, at the request of the owner, master, or consignee of the vessel, on three days' notice to such collector after the entry of the vessel."

1262. SEC. 25. That section twenty-eight hundred and seventy-two of the Revised Statutes be amended by adding thereto the following:

“When the license to unload between the setting and rising of the sun is granted to a sailing-vessel under this section, a fixed, uniform, and reasonable compensation may be allowed to the inspector or inspectors for service between the setting and rising of the sun, under such regulations as the Secretary of the Treasury may prescribe, to be received by the collector from the master, owner, or consignee of the vessel, and to be paid by him to the inspector or inspectors.”

1263. SEC. 26. That whenever any fine, penalty, forfeiture, exaction, or charge arising under the laws relating to vessels or seamen has been paid to any collector of customs or consular officer, and application has been made within one year from such payment for the refunding or remission of the same, the Secretary of the Treasury, if on investigation he finds that such fine, penalty, forfeiture, exaction, or charge was illegally, improperly, or excessively imposed, shall have the power, either before or after the same has been covered into the Treasury, to refund so much of such fine, penalty, forfeiture, exaction, or charge as he may think proper, from any moneys in the Treasury not otherwise appropriated.

SEC. 27. [Substitute for sec. 4501, R. S.]

1264. SEC. 28. Before issuing any inspection certificate to any steamer the collector or other chief officer of customs for the port or district shall demand and receive from the owners thereof, as a compensation for the inspection and examinations made for the year, the following sums, in addition to the fees for issuing enrollments and licenses now allowed by law, according to the tonnage of the vessel: For each steam-vessel of one hundred tons or under, ten dollars; and for each and every ton in excess of one hundred tons, five cents, in lieu of the fees now provided by law.

1265. SEC. 29. That section twenty-seven hundred and seventy-six of the Revised Statutes is hereby amended by adding thereto the following:

“*Provided*, That vessels arriving at a port of entry in the United States, laden with coal, salt, railroad-iron, and other like articles in hulk, may proceed to places within that collection district to be specially designated by the Secretary of the Treasury, by general regulations or otherwise, under the superintendence of customs officers, at the expense of the parties interested, for the purpose of unlading cargoes of the character before mentioned.”

1266. SEC. 30. All laws and parts of laws in conflict with the provisions of this act are hereby repealed; and this act shall take effect and be in

force on and after July first, eighteen hundred and eighty-four. [*June 26, 1884.*]

CHAP. 421.—An act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes.

1267. *Be it enacted, &c.*, That on and after July first, eighteen hundred and eighty-six, no fees shall be charged or collected by collectors or other officers of customs, or by inspectors of steam-vessels or shipping commissioners, for the following services to vessels of the United States, to wit:

- Measurement of tonnage and certifying the same;
- Issuing of license
- Or granting of certificate of registry, record, or enrollment, including all indorsements on the same and bond and oath;
- Indorsement of change of master;
- Certifying and receiving manifest, including master's oath, and permit;
- Granting permit to vessels licensed for the fisheries to touch and trade;
- Granting certificate of payment of tonnage dues;
- Recording bill of sale, mortgage, hypothecation or conveyance, or the discharge of such mortgage or hypothecation;
- Furnishing certificate of title;
- Furnishing the crew-list, including bond;
- Certificate of protection to seamen;
- Bill of health;
- Shipping or discharging of seamen, as provided by title fifty-three of the Revised Statutes and section two of this act; apprenticing boys to the merchant service;
- Inspecting, examining, and licensing steam-vessels, including inspection-certificate and copies thereof;
- And licensing of master, engineer, pilot, or mate of a vessel;
- And all provisions of laws authorizing or requiring the collection of fees for such services are repealed, such repeal to take effect July first, eighteen hundred and eighty-six. <sup>1</sup>

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<sup>1</sup> Although this section in terms repeals all laws authorizing or requiring the collection of fees for the services herein enumerated by collectors or other officers of customs, inspectors of steam-vessels, or shipping commissioners, yet as the Secretary of the Treasury is directed to allow and pay them such compensation for said services as each would have received prior to the passage of this act, the laws fixing

Collectors or other officers of customs, inspectors of steam vessels, and shipping commissioners who are paid wholly or partly by fees shall make a detailed report of such services, and the fees provided by law, to the Secretary of the Treasury, under such regulations as that officer may prescribe; and the Secretary of the Treasury shall allow and pay, from any money in the Treasury not otherwise appropriated, said officers such compensation for said services as each would have received prior to the passage of this act; also such compensation to clerks of shipping commissioners<sup>1</sup> as would have been paid them had this act not passed: *Provided*, That such services have, in the opinion of the Secretary of the Treasury, been necessarily rendered.

**1268. SEC. 2.** That shipping commissioners may ship and discharge crews for any vessel engaged in the coastwise trade, or the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or the Republic of Mexico, at the request of the master or owner of such vessel, the shipping and discharging fees in such cases to be one-half that prescribed by section forty-six hundred and twelve of the Revised Statutes, for the purpose of determining the compensation of shipping commissioners.

SEC. 3. [Amendment of sec. 10, act June 20, 1884.]

**1269. SEC. 4.** That section forty-two hundred and eighty-nine of the Revised Statutes be amended so as to read as follows.

“SEC. 4289. The provisions of the seven preceding sections, and of section eighteen of an act entitled ‘An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying-trade, and for other purposes,’ approved June twenty-sixth, eighteen hundred and eighty-four, relating to the limitations of the liability of the owners of vessels, shall apply to all sea going vessels, and

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these fees would seem to be still in force for some purposes. The acts fixing these fees are as follows:

Collectors or other officers of the customs, R. S., §§ 4381, 4382, as amended by 1884, July 5, ch. 228.

Inspectors of steam-vessels, R. S., § 4458, as amended by 1882, April 5, ch. 67.

Shipping commissioners, R. S., § 4592, tables C, D, following R. S., § 4612, p. 896, as amended by § 2 of this act. This section refers to R. S., § 4612, as still in force “for the purpose of determining the compensation of shipping commissioners.” This refers to the tables following R. S., § 4612, these being more strictly an appendix to R. S., § 4592. The shipment and discharge by a shipping commissioner of crews for the coastwise trade, which is made permissible by § 2 of this act, is now made compulsory by 1890, August 19, ch. 801.

<sup>1</sup> See words inserted here by 1888, April 4, ch. 61, § 2.

also to all vessels used on lakes or rivers or in inland navigation, including canal-boats, barges, and lighters."

1270. SEC. 5. That section forty-one hundred and fifty-three of the Revised Statutes be amended by striking out the last sentence of the last paragraph, and inserting instead the following:

"In every vessel documented as a vessel of the United States the number denoting her net tonnage shall be deeply carved or otherwise permanently marked on her main beam, and shall be so continued: and if the number at any time cease to be continued such vessel shall be subject to a fine of thirty dollars on every arrival in a port of the United State if she have not her tonnage number legally carved or permanently marked."

1271. SEC. 6. That from the close of section forty-one hundred and seventy-seven of said statutes the following words shall be stricken out, to wit: "Such vessel shall be no longer recognized as a vessel of the United States;" and in lieu thereof there shall be inserted the words following: "Such vessel shall be liable to a fine of thirty dollars on every arrival in a port of the United States if she have not her proper official number legally carved or permanently marked."

1272. SEC. 7. Every vessel of twenty tons or upwards, entitled to be documented as a vessel of the United States, other than registered vessels, found trading between district and district, or between different places in the same district, or carrying on the fishery, without being enrolled and licensed, and every vessel of less than twenty tons and not less than five tons burden found trading or carrying on the fishery as aforesaid without a license obtained as provided by this title, shall be liable to a fine of thirty dollars at every port of arrival without such enrollment or license.

But if the license shall have expired while the vessel was at sea, and there shall have been no opportunity to renew such license, then said fine of thirty dollars shall not be incurred.

And so much of section four thousand three hundred and seventy-one of the Revised Statutes as relating to vessels entitled to be documented as vessels of the United States is hereby repealed.

1273. SEC. 8. That foreign vessels found transporting passengers between places or ports in the United States, when such passengers have been taken on board in the United States, shall be liable to a fine of two dollars for every passenger landed.

1274. SEC. 9. That the fines imposed by sections five, six, seven, and eight of this act shall be subject to remission or mitigation by the Sec-

retary of the Treasury when the offense was not wilfully committed, under such regulations and methods of ascertaining the facts as may seem to him advisable.

**1275. SEC. 10.** That the provision of Schedule N of "An act to reduce internal-revenue taxation, and for other purposes," approved March third, eighteen hundred and eighty-three, allowing a drawback <sup>1</sup> on imported bituminous coal used for fuel on vessels propelled by steam, shall be construed to apply only to vessels of the United States.

**SEC. 11.** [Substitute for sec. 14, act June 26, 1884, 23 Stat., 57.]

**1276. SEC. 12.** That the President be, and hereby is, directed to cause the Governments of foreign countries which, at any of their ports, impose on American vessels a tonnage-tax or light-house dues, or other equivalent tax or taxes, or any other fees, charges, or dues, to be informed of the provisions of the preceding section, and invited to co-operate with the Government of the United States in abolishing all light-house dues, tonnage-taxes, or other equivalent tax or taxes on, and also all other fees for official services to, the vessels of the respective nations employed in the trade between the ports of such foreign country and the ports of the United States.

**1277. SEC. 13.** That section eleven of "An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying-trade, and for other purposes," approved June twenty-sixth, eighteen hundred and eighty-four, shall not be construed to apply to vessels engaged in the whaling or fishing business.

**1278. SEC. 14.** That section forty-four hundred and eighteen of the Revised Statutes is hereby amended by striking out from the nineteenth and following lines thereof the words "and, to indicate the pressure of steam, suitable steam-registers that will correctly record each excess of steam carried above the prescribed limit, and the highest point attained," and inserting in lieu thereof the following: "and suitable steam gauges to indicate the pressure of steam."

**1279. SEC. 15.** That the provisions of sections twenty-five hundred and ten and twenty-five hundred and eleven <sup>2</sup> of the Revised Statutes, as the sections of Title thirty three are numbered in "An act to reduce

<sup>1</sup> It is understood that it is officially held that this drawback is repealed by operation of 1890, October 1, ch. 1244. See pars. 432, 537.

<sup>2</sup> The provisions of the act of 1883, March 3, ch. 121, § 6 (23 Stat. L., 523), numbered therein as R. S., §§ 2510, 2511, were substitutes for R. S., §§ 2513 and 2514, and have been superseded by 1890, October 1, ch. 1244, §§ 8 and 9.

internal revenue taxation and for other purposes," approved March third, eighteen hundred and eighty-three, and the provisions of section sixteen of "An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying-trade, and for other purposes," approved June twenty-sixth, eighteen hundred and eighty-four, shall apply to the construction, equipment, repairs, and supplies of vessels of the United States employed in the fisheries or in the whaling business, in the same manner as to vessels of the United States engaged in the foreign trade.

1280. SEC. 16. That rule twelve of section forty-two hundred and thirty-three<sup>1</sup> of the Revised Statutes shall be so construed as not to require row-boats and skiffs upon the river Saint Lawrence to carry lights.

1281. SEC. 17. That whenever any foreign country whose vessels have been placed on the same footing in the ports of the United States as American vessels (the coastwise trade excepted) shall deny to any vessels of the United States any of the commercial privileges accorded to national vessels in the harbors, ports, or waters of such foreign country, the President, on receiving satisfactory information of the continuance of such discriminations against any vessels of the United States, is hereby authorized to issue his proclamation excluding, on and after such time as he may indicate, from the exercise of such commercial privileges in the ports of the United States as are denied to American vessels in the ports of such foreign country, all vessels of such foreign country of a similar character to the vessels of the United States thus discriminated against, and suspending such concessions previously granted to the vessels of such country;

And on and after the date named in such proclamation for it to take effect, if the master, officer, or agent of any vessel of such foreign country excluded by said proclamation from the exercise of any commercial privileges shall do any act prohibited by said proclamation in the ports, harbors, or waters of the United States for or on account of such vessel, such vessel, and its rigging, tackle, furniture, and boats, and all the goods on board, shall be liable to seizure and to forfeiture to the United States; and any person opposing any officer of the United States in the enforcement of this act, or aiding and abetting any other person in such opposition, shall forfeit eight hundred dollars, and shall be guilty of a

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<sup>1</sup> R. S., § 4233, is superseded by 1890, August 19, ch. 802, and the subject of small vessels under oars is covered by article 7 of said act.



misdeemeanor, and, upon conviction, shall be liable to imprisonment for a term not exceeding two years.

1282. SEC. 18. Section nine of "An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying-trade, and for other purposes," approved June twenty sixth, eighteen hundred and eighty-four, is hereby amended in the eighth line by inserting after the words "and the consular officer" the following:

"When the transportation is by a sailing vessel; and the regular steerage-passenger rate, not to exceed two cents per mile, when the transportation is by steamer."

And the said section is further amended by adding at the end the following: "or to take any seaman having a contagious disease." [June 19, 1886.]

CHAP. 61.—An act to amend the laws relating to navigation, and for other purposes.

1283. *Be it enacted, &c.*, That section eleven of an act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes, approved June nineteenth, eighteen hundred and eighty-six, be amended by striking out of the sixth and seventh lines of the proviso of said section the words "of the country in which such port is situated, or on the cargoes of such vessels," and substituting in lieu thereof the words "of such country, or on the cargoes of such vessels;

But this proviso shall not be held to be inconsistent with the special regulation by foreign countries of duties and other charges on their own vessels, and the cargoes thereof, engaged in their coasting trade, or with the existence between such countries and other states of reciprocal stipulations founded on special conditions and equivalents, and thus not within the treatment of American vessels under the most-favored nation clause in treaties between the United States and such countries."

1284. SEC. 2. That section one of the act hereinbefore mentioned be amended, in the third line from the end of the section, by inserting, after the words "shipping commissioners," the words "and clerks of steamboat inspectors, and such allowances for fees of United States marshals and witnesses for services under the steamboat-inspection laws, and for expenses of steamboat inspectors provided for by section forty-four hundred and sixty-one of the Revised Statutes."

SEC. 3. [Amendment of sec. 4581, R. S., and sec. 7, act June 26, 1884.]

CHAP. 97.—An act to amend an act entitled “An act to amend the laws relative to shipping commissioners,” approved August nineteenth, eighteen hundred and ninety, and for other purposes.

1285. *Be it enacted, &c.*, That chapter eight hundred and one of the Public Laws of the Fifty-first Congress, entitled “An Act to amend the Act relative to shipping commissioners,” approved August nineteenth, eighteen hundred and ninety, is hereby amended so as to read as follows:

“When a crew is shipped by a shipping commissioner for any American vessel in the coastwise trade, or the trade between the United States and the Dominion of Canada, or New Foundland, or the West Indies, or Mexico, as authorized by section two of an Act approved June nineteenth, eighteen hundred and eighty-six, entitled “An Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes,” an agreement shall be made with each seaman engaged as one of such crew in the same manner as is provided by Sections four thousand five hundred and eleven and four thousand five hundred and twelve of the Revised Statutes,

not however including the sixth, seventh and eighth items of Section four thousand five hundred and eleven;

and such agreement shall be posted as provided in Section four thousand five hundred and nineteen,

and such seamen shall be discharged and receive their wages as provided by the first clause of Section four thousand five hundred and twenty-nine and also by Sections four thousand five hundred and twenty-six, four thousand five hundred and twenty-seven, four thousand five hundred and twenty-eight, four thousand five hundred and thirty, four thousand five hundred and thirty-five, four thousand five hundred and thirty-six, four thousand five hundred and forty-two, four thousand five hundred and forty-three, four thousand five hundred and forty-four, four thousand five hundred and forty-five, four thousand five hundred and forty-six, four thousand five hundred and forty-seven, four thousand five hundred and forty-nine, four thousand five hundred and fifty, four thousand five hundred and fifty-one, four thousand five hundred and fifty-two, four thousand five hundred and fifty-three and four thousand five hundred and fifty-four of the Revised Statutes;

but in all other respects such shipment of seamen and such shipping agreement shall be regarded as if both shipment and agreement had

been entered into between the master of a vessel and a seaman without going before a shipping commissioner:

*Provided*, That the clothing of any seaman shall be exempt from attachment, and that any person who shall detain such clothing when demanded by the owner shall be liable to a penalty of not exceeding one hundred dollars." [February 18, 1895.]

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## TITLE LVIII.

### THE PUBLIC HEALTH.

1286. SEC. 4792. The quarantines and other restraints established by the health-laws of any State, respecting any vessels arriving in, or bound to, any port or district thereof, shall be duly observed by the officers of the customs revenue of the United States, by the masters and crews of the several revenue-cutters, and by the military officers commanding in any fort or station upon the sea-coast; and all such officers of the United States shall faithfully aid in the execution of such quarantines and health-laws, according to their respective powers and within their respective precincts, and as they shall be directed, from time to time, by the Secretary of the Treasury. But nothing in this Title shall enable any State to collect a duty of tonnage or impost without the consent of Congress.

1287. SEC. 4793. Whenever, by the health-laws of any State, or by the regulations made pursuant thereto, any vessel arriving within a collection-district of such State is prohibited from coming to the port of entry or delivery by law established for such district, and such health-laws require or permit the cargo of the vessel to be unladen at some other place within or near to such district, the collector, after due report to him of the whole of such cargo, may grant his warrant or permit for the unloading and discharge thereof, under the care of the surveyor, or of one or more inspectors, at some other place where such health-laws permit, and upon the conditions and restrictions which shall be directed by the Secretary of the Treasury, or which such collector may, for the time, deem expedient for the security of the public revenue.

1288. SEC. 4794. There shall be purchased or erected, under the orders of the President, suitable warehouses, with wharves and inclosures, where merchandise may be unladen and deposited, from any vessel which shall

be subject to a quarantine, or other restraint, pursuant to the health-laws of any State, at such convenient places therein as the safety of the public revenue and the observance of such health-laws may require.

1289. SEC. 4795. Whenever the cargo of a vessel is unladen at some other place than the port of entry or delivery under the foregoing provisions, all the articles of such cargo shall be deposited, at the risk of the parties concerned therein, in such public or other warehouses or inclosures as the collector shall designate, there to remain under the joint custody of such collector and of the owner, or master, or other person having charge of such vessel, until the same are entirely unladen or discharged, and until the articles so deposited may be safely removed without contravening such health-laws. And when such removal is allowed, the collector having charge of such articles may grant permits to the respective owners or consignees, their factors or agents, to receive all merchandise which has been entered, and the duties accruing upon which have been paid, upon the payment by them of a reasonable rate of storage; which shall be fixed by the Secretary of the Treasury for all public warehouses and inclosures.

1290. SEC. 4796. The Secretary of the Treasury is authorized, whenever a conformity to such quarantines and health-laws requires it, and in respect to vessels subject thereto, to prolong the terms limited for the entry of the same, and the report or entry of their cargoes, and to vary or dispense with any other regulations applicable to such reports or entries. No part of the cargo of any vessel shall, however, in any case, be taken out or unladen therefrom, otherwise than is allowed by law, or according to the regulations hereinafter established.

1291. SEC. 4797. Whenever, by the prevalence of any contagious or epidemic disease in or near the place by law established as the port of entry for any collection-district, it becomes dangerous or inconvenient for the officers of the revenue employed therein to continue the discharge of their respective offices at such port, the Secretary of the Treasury, or, in his absence, the First Comptroller, may direct the removal of the officers of the revenue from such port to any other more convenient place, within, or as near as may be to, such collection-district. And at such place such officers may exercise the same powers, and shall be liable to the same duties, according to existing circumstances, as in the port or district established by law. Public notice of any such removal shall be given as soon as may be. [See § 1776.]

1292. SEC. 4798. In case of the prevalence of a contagious or epidemic disease at the seat of Government, the President may permit and direct

the removal of any or all the public offices to such other place or places, as he shall deem most safe and convenient for conducting the public business. [See § 1776.]

1293. SEC. 4799. Whenever, in the opinion of the Chief Justice, or, in case of his death, or inability, of the senior associate justice of the Supreme Court, a contagious or epidemic sickness shall render it hazardous to hold the next stated session of the court at the seat of Government, the chief or such associate justice may issue his order to the marshal of the Supreme Court, directing him to adjourn the next session of the court to such other place as such justice deems convenient. The marshal shall thereupon adjourn the court, by making publication thereof in one or more public papers printed at the seat of Government from the time he shall receive such order until the time by law prescribed for commencing the session. The several circuit and district judges shall, respectively, under the same circumstances, have the same power, by the same means, to direct adjournments of the several circuit and district courts to some convenient place within their districts respectively. [See § 1776.]

1294. SEC. 4800. The judge of any district court, within whose district any contagious or epidemic disease shall at any time prevail, so as, in his opinion, to endanger the lives of persons confined in the prison of such district, in pursuance of any law of the United States, may direct the marshal to cause the persons so confined to be removed to the next adjacent prison where such disease does not prevail, there to be confined until they may safely be removed back to the place of their first confinement. Such removals shall be at the expense of the United States.

1294 a. SEC. 4263. The master of any vessel employed in transporting passengers between the United States and Europe is authorized to maintain good discipline and such habits of cleanliness among the passengers as will tend to the preservation and promotion of health; and to that end he shall cause such regulations as he may adopt for this purpose to be posted up, before sailing, on board such vessel, in a place accessible to such passengers, and shall keep the same so posted up during the voyage. Such master shall cause the apartments occupied by such passengers to be kept at all times in a clean healthy state; and the owners of every such vessel so employed are required to construct the decks and all parts of the apartments so that they can be thoroughly cleansed; and also to provide a safe, convenient privy or water-closet for the exclusive use of every one hundred such passengers. The master shall also, when the weather is such that the passengers cannot be mustered on

deck with their bedding, and at such other times as he may deem necessary, cause the deck occupied by such passengers to be cleansed with chloride of lime or some other equally efficient disinfecting agent. And for each neglect or violation of any of the provisions of this section the master and owner of any such vessel shall be severally liable to the United States in a penalty of fifty dollars, to be recovered in any circuit or district court within the jurisdiction of which such vessel may arrive or from which she is about to depart, or at any place where the owner or master may be found.

EXTRACT FROM ACT AUGUST 1, 1888.

1295. Whenever any person shall trespass upon the grounds belonging to any quarantine reservation, \* \* \* such person, trespassing, \* \* \* shall, upon conviction thereof, pay a fine of not more than three hundred dollars, or be sentenced to imprisonment for a period of not more than thirty days, or shall be punished by both fine and imprisonment, at the discretion of the court. And it shall be the duty of the United States attorney in the district where the misdemeanor shall have been committed to take immediate cognizance of the offense, upon report made to him by any medical officer of the Marine-Hospital Service, or by any officer of the customs service, or by any State officer acting under authority of section five of said act.

ACT MARCH 27, 1890.

AN ACT to prevent the introduction of contagious diseases from one State to another and for the punishment of certain offenses.

1296. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever it shall be made to appear to the satisfaction of the President that cholera, yellow fever, smallpox or plague exists in any State or Territory, or in the district of Columbia, and that there is danger of the spread of such disease into other States, Territories, or the District of Columbia, he is hereby authorized to cause the Secretary of the Treasury to promulgate such rules and regulations as in his judgment may be necessary to prevent the spread of such disease from one State or Territory into another, or from any State or Territory into the District of Columbia, or from the District of Columbia into any State or Territory, and to employ such inspectors and other persons as may be necessary to execute such

regulations to prevent the spread of such disease. The said rules and regulations shall be prepared by the Supervising Surgeon-General of the Marine Hospital Service under the direction of the Secretary of the Treasury. And any person who shall willfully violate any rule or regulation so made and promulgated shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than five hundred dollars, or imprisonment for not more than two years, or both, in the discretion of the court.

1297. SEC. 2. That any officer, or person acting as an officer, or agent of the United States at any quarantine station, or other person employed to aid in preventing the spread of such disease, who shall willfully violate any of the quarantine laws of the United States, or any of the rules and regulations made and promulgated by the Secretary of the Treasury as provided for in Section 1 of this act, or any lawful order of his superior officer or officers, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than three hundred dollars or imprisonment for not more than one year, or both, in the discretion of the court.

1298. SEC. 3. That when any common carrier or officer, agent, or employé of any common carrier shall willfully violate any of the quarantine laws of the United States, or the rules and regulations made and promulgated as provided for in Section 1 of this act, such common carrier, officer, agent, or employé shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine of not more than five hundred dollars, or imprisonment for not more than two years or both, in the discretion of the court.

AN ACT granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service.

[Approved, February 15, 1893.]

1299. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be unlawful for any merchant ship or other vessel from any foreign port or place of [to] enter any port of the United States except in accordance with the provisions of this act and with such rules and regulations of State and municipal health authorities as may be made in pursuance of, or consistent with, this act; and any such vessel which shall enter, or attempt to enter, a port of the United States in violation thereof shall forfeit to the United States a sum, to be awarded in the discretion of the court, not exceeding five thousand dollars, which shall be a lien

upon said vessel, to be recovered by proceedings in the proper district court of the United States. In all such proceedings the United States district attorney for such district shall appear on behalf of the United States; and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States.

1300. SEC. 2. That any vessel at any foreign port clearing for any port or place in the United States shall be required to obtain from the consul, vice-consul, or other consular officer of the United States at the port of departure, or from the medical officer where such officer has been detailed by the President for that purpose, a bill of health, in duplicate, in the form prescribed by the Secretary of the Treasury, setting forth the sanitary history and condition of said vessel, and that it has in all respects complied with the rules and regulations in such cases prescribed for securing the best sanitary condition of the said vessel, its cargo, passengers, and crew; and said consular or medical officer is required, before granting such duplicate bill of health, to be satisfied that the matters and things therein stated are true; and for his services in that behalf he shall be entitled to demand and receive such fees as shall by lawful regulation be allowed, to be accounted for as is required in other cases.

The President, in his discretion, is authorized to detail any medical officer of the Government to serve in the office of the consul at any foreign port for the purpose of furnishing information and making the inspection and giving the bills of health hereinbefore mentioned. Any vessel clearing and sailing from any such port without such bill of health, and entering any port of the United States, shall forfeit to the United States not more than five thousand dollars, the amount to be determined by the court, which shall be a lien on the same, to be recovered by proceedings in the proper district court of the United States. In all such proceedings the United States district attorney for such district shall appear on behalf of the United States; and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States. [Amended by act of August 18, 1894, which is given next.]

The provisions of this section shall not apply to vessels plying between foreign ports on or near the frontiers of the United States and ports of the United States adjacent thereto; but the Secretary of the Treasury is hereby authorized, when, in his discretion, it is expedient for the preservation of the public health, to establish regulations governing such vessels.



1301. SEC. 3. That the Supervising Surgeon-General of the Marine-Hospital Service shall, immediately after this act takes effect, examine the quarantine regulations of all State and municipal boards of health, and shall, under the direction of the Secretary of the Treasury, cooperate with and aid State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards and in the execution and enforcement of the rules and regulations made by the Secretary of the Treasury to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, and into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia; and all rules and regulations made by the Secretary of the Treasury shall operate uniformly and in no manner discriminate against any port or place; and at such ports and places within the United States as have no quarantine regulations under State or municipal authority, where such regulations are, in the opinion of the Secretary of the Treasury, necessary to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, or into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia, and at such ports and places within the United States where quarantine regulations exist under the authority of the State or municipality which, in the opinion of the Secretary of the Treasury, are not sufficient to prevent the introduction of such diseases into the United States, or into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia, the Secretary of the Treasury shall, if in his judgment it is necessary and proper, make such additional rules and regulations as are necessary to prevent the introduction of such diseases into the United States from foreign countries, or into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia, and when said rules and regulations have been made they shall be promulgated by the Secretary of the Treasury and enforced by the sanitary authorities of the States and municipalities, where the State or municipal health authorities will undertake to execute and enforce them; but if the State or municipal authorities shall fail or refuse to enforce said rules and regulations the President shall execute and enforce the same and adopt such measures as in his judgment shall be necessary to prevent the introduction or spread of such diseases, and may detail or appoint officers for that purpose. The Secretary of the Treasury shall make such rules and regulations as are necessary to be observed by vessels at the port of

departure and on the voyage, where such vessels sail from any foreign port or place to any port or place in the United States, to secure the best sanitary condition of such vessel, her cargo, passengers, and crew; which shall be published and communicated to and enforced by the consular officers of the United States. None of the penalties herein imposed shall attach to any vessel or owner or officer thereof until a copy of this act, with the rules and regulations made in pursuance thereof, has been posted up in the office of the consul or other consular officer of the United States for ten days, in the port from which said vessel sailed; and the certificate of such consul or consular officer over his official signature shall be competent evidence of such posting in any court of the United States.

1302. SEC. 4. That it shall be the duty of the Supervising Surgeon-General of the Marine Hospital Service, under the direction of the Secretary of the Treasury, to perform all the duties in respect to quarantine and quarantine regulations which are provided for by this act, and to obtain information of the sanitary condition of foreign ports and places from which contagious and infectious diseases are or may be imported into the United States, and to this end the consular officer of the United States at such ports and places as shall be designated by the Secretary of the Treasury shall make to the Secretary of the Treasury weekly reports of the sanitary condition of the ports and places at which they are respectively stationed, according to such forms as the Secretary of the Treasury shall prescribe; and the Secretary of the Treasury shall also obtain, through all sources accessible, including State and municipal sanitary authorities throughout the United States, weekly reports of the sanitary condition of ports and places within the United States, and shall prepare, publish, and transmit to collectors of customs and to State and municipal health officers and other sanitarians weekly abstracts of the consular sanitary reports and other pertinent information received by him, and shall also, as far as he may be able, by means of the voluntary coöperation of State and municipal authorities, of public associations, and private persons, procure information relating to the climatic and other conditions affecting the public health, and shall make an annual report of his operations to Congress with such recommendations as he may deem important to the public interests.

1303. SEC. 5. That the Secretary of the Treasury shall from time to time issue to the consular officers of the United States and to the medical officers serving at any foreign port, and otherwise make publicly known, the rules and regulations made by him, to be used and complied

with by vessels in foreign ports, for securing the best sanitary condition of such vessels, their cargoes, passengers, and crew, before their departure for any port in the United States, and in the course of the voyage; and all such other rules and regulations as shall be observed in the inspection of the same on the arrival thereof at any quarantine station at the port of destination, and for the disinfection and isolation of the same, and the treatment of cargo and persons on board, so as to prevent the introduction of cholera, yellow fever, or other contagious or infectious diseases; and it shall not be lawful for any vessel to enter said port to discharge its cargo, or land its passengers, except upon a certificate of the health officer at such quarantine station certifying that said rules and regulations have in all respects been observed and complied with, as well on his part as on the part of the said vessel and its master, in respect to the same and to its cargo, passengers, and crew; and the master of every such vessel shall produce and deliver to the collector of customs at said port of entry, together with the other papers of the vessel, the said bills of health required to be obtained at the port of departure and the certificate herein required to be obtained from the health officer at the port of entry; and that the bills of health herein prescribed shall be considered as part of the ship's papers, and when duly certified to by the proper consular officer or other officer of the United States, over his official signature and seal, shall be accepted as evidence of the statements therein contained in any court of the United States.

1304. SEC. 6. That on the arrival of an infected vessel at any port not provided with proper facilities for treatment of the same, the Secretary of the Treasury may remand said vessel, at its own expense, to the nearest national or other quarantine station, where accommodations and appliances are provided for the necessary disinfection and treatment of the vessel, passengers, and cargo; and after treatment of any infected vessel at a national quarantine station, and after certificate shall have been given by the United States quarantine officer at said station that the vessel, cargo, and passengers are each and all free from infectious disease, or danger of conveying the same, said vessel shall be admitted to entry to any port of the United States named within the certificate. But at any ports where sufficient quarantine provision has been made by State or local authorities the Secretary of the Treasury may direct vessels bound for said ports to undergo quarantine at said State or local station.

1305. SEC. 7. That whenever it shall be shown to the satisfaction of the

President that by reason of the existence of cholera or other infectious or contagious diseases in a foreign country there is serious danger of the introduction of the same into the United States, and that notwithstanding the quarantine defense this danger is so increased by the introduction of persons or property from such country that a suspension of the right to introduce the same is demanded in the interest of the public health, the President shall have power to prohibit, in whole or in part, the introduction of persons and property from such countries or places as he shall designate and for such period of time as he may deem necessary.

1306. SEC. 8. That whenever the proper authorities of a State shall surrender to the United States the use of the buildings and disinfecting apparatus at a State quarantine station, the Secretary of the Treasury shall be authorized to receive them and to pay a reasonable compensation to the State for their use, if in his opinion they are necessary to the United States.

1307. SEC. 9. That the act entitled "An act to prevent the introduction of infectious or contagious diseases into the United States, and to establish a national board of health," approved March 3, 1879, be, and the same is hereby, repealed. And the Secretary of the Treasury is directed to obtain possession of any property, furniture, books, paper, or records belonging to the United States which are not in the possession of an officer of the United States under the Treasury Department which were formerly in the use of the National Board of Health or any officer or employé thereof.

LAWS RELATING TO THE IMPORTATION OF NEAT CATTLE, SHEEP, SWINE,  
AND OTHER ANIMALS.

[Act of August 30, 1890, sections 7, 8, 9 and 10.]

1308. SEC. 7. That the Secretary of Agriculture be, and is hereby, authorized, at the expense of the owner, to place and retain in quarantine all neat cattle, sheep, and other ruminants, and all swine, imported into the United States, at such ports as he may designate for such purpose, and under such conditions as he may by regulation prescribe, respectively, for the several classes of animals above described; and for this purpose he may have and maintain possession of all lands, buildings, animals, tools, fixtures, and appurtenances now in use for the quarantine of neat cattle, and hereafter purchase, construct, or rent as may be necessary.

And he may appoint veterinary surgeons, inspectors, officers, and

employees by him deemed necessary to maintain such quarantine, and provide for the execution of the other provisions of this act.

1309. SEC. 8. That the importation of all animals described in this act into any port in the United States, except such as may be designated by the Secretary of Agriculture, with the approval of the Secretary of the Treasury, as quarantine stations, is hereby prohibited;

And the Secretary of Agriculture may cause to be slaughtered such of the animals named in this act as may be, under regulations prescribed by him, adjudged to be infected with any contagious disease, or to have been exposed to infection so as to be dangerous to other animals;

And that the value of animals so slaughtered as being so exposed to infection but not infected may be ascertained by the agreement of the Secretary of Agriculture and owners thereof, if practicable; otherwise, by the appraisal by two persons familiar with the character and value of such property, to be appointed by the Secretary of Agriculture, whose decision, if they agree, shall be final; otherwise, the Secretary of Agriculture shall decide between them, and his decision shall be final; and the amount of the value thus ascertained shall be paid to the owner thereof out of money in the Treasury appropriated for the use of the Bureau of Animal Industry; but no payment shall be made for any animal imported in violation of the provisions of this act.

If any animal subject to quarantine according to the provisions of this act are brought into any port of the United States where no quarantine station is established the collector of such port shall require the same to be conveyed by the vessel on which they are imported or are found to the nearest quarantine station, at the expense of the owner.

1310. SEC. 9. That whenever, in the opinion of the President, it shall be necessary for the protection of animals in the United States against infectious or contagious diseases, he may, by proclamation, suspend the importation of all or any class of animals for a limited time, and may change, modify, revoke, or renew such proclamation, as the public good may require; and during the time of such suspension the importation of any such animals shall be unlawful.

1311. SEC. 10. That the Secretary of Agriculture shall cause careful inspection to be made by a suitable officer of all imported animals described in this act, to ascertain whether such animals are infected with contagious diseases or have been exposed to infection so as to be dangerous to other animals, which shall then either be placed in quarantine or dealt with according to the regulations of the Secretary of Agriculture; and all food, litter, manure, clothing, utensils, and other appliances that

have been so related to such animals on board ship as to be judged liable to convey infection shall be dealt with according to the regulations of the Secretary of Agriculture;

And the Secretary of Agriculture may cause inspection to be made of all animals described in this act intended for exportation, and provide for the disinfection of all vessels engaged in the transportation thereof, and of all barges or other vessels used in the conveyance of such animals intended for export to the ocean steamer or other vessels, and of all attendants and their clothing, and of all head-ropes and other appliances used in such exportation, by such orders and regulations as he may prescribe; and if, upon such inspection, any such animals shall be adjudged, under the regulations of the Secretary of Agriculture, to be infected or to have been exposed to infection so as to be dangerous to other animals, they shall not be allowed to be placed upon any vessel for exportation: the expense of all the inspection and disinfection provided for in this section to be borne by the owners of the vessels on which such animals are exported.

[Act of August 27, 1894, sec. 17.]

1312. That the importation of neat cattle and the hides of neat cattle from any foreign country into the United States is prohibited: *Provided*, That the operation of this section shall be suspended as to any foreign country or countries, or any parts of such country or countries, whenever the Secretary of the Treasury shall officially determine, and give public notice thereof that such importation will not tend to the introduction or spread of contagious or infectious diseases among the cattle of the United States; and the Secretary of the Treasury is hereby authorized and empowered, and it shall be his duty, to make all necessary orders and regulations to carry this section into effect, or to suspend the same as herein provided, and to send copies thereof to the proper officers in the United States, and to such officers or agents of the United States in foreign countries as he shall judge necessary.

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## TITLE LXVI.

(Secs. 5270-5280.)

### EXTRADITION.

1313. SEC. 5271. [In every case of complaint and of a hearing upon the return of the warrant of arrest, any depositions, warrants, or other

papers offered in evidence, shall be admitted and received for the purpose of such hearing if they shall be properly and legally authenticated so as to entitle them to be received as evidence of the criminality of the person so apprehended, by the tribunals of the foreign country from which the accused party shall have escaped, and copies of any such depositions, warrants or other papers, shall, if authenticated according to the law of such foreign country, be in like manner received as evidence; and the certificate of the principal diplomatic or consular officer of the United States resident in such foreign country shall be proof that any such deposition, warrant or other paper, or copy thereof, is authenticated in the manner required by this section.]

CHAP. 378.—An act regulating fees and the practice in extradition cases.

1314. SEC. 5. That in all cases where any depositions, warrants, or other papers or copies thereof shall be offered in evidence upon the hearing of any extradition case under Title sixty-six of the Revised Statutes of the United States, such depositions, warrants, and other papers, or the copies thereof, shall be received and admitted as evidence on such hearing for all the purposes of such hearing if they shall be properly and legally authenticated so as to entitle them to be received for similar purposes by the tribunals of the foreign country from which the accused party shall have escaped, and the certificate of the principal diplomatic or consular officer of the United States resident in such foreign country shall be proof that any deposition, warrant or other paper or copies thereof, so offered, are authenticated in the manner required by this act.

SEC. 6. The act approved June nineteenth, eighteen hundred and seventy-six, entitled "An act to amend section fifty-two hundred and seventy-one of the Revised Statutes of the United States", and so much of said section fifty-two hundred and seventy-one of the Revised Statutes of the United States as is inconsistent with the provisions of this act are hereby repealed. [August 3, 1882.]

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## TITLE LXX.

(Secs. 5323-5550.)

1315. SEC. 5363. Every master or commander of any vessel belonging, in whole or part, to any citizen of the United States, who, during his being abroad, maliciously and without justifiable cause forces any offi-

cer or mariner of such vessel on shore, in order to leave him behind in any foreign port or place, or refuses to bring home again all such officers and mariners of such vessel whom he carried out with him as are in a condition to return and willing to return, when he is ready to proceed on his homeward voyage, shall be punished by a fine of not more than five hundred dollars, or by imprisonment not more than six months. [See §§ 4300-4305.]

1316. SEC. 5442. Every consul, vice-consul, commercial agent, or vice-commercial agent, who knowingly and falsely certifies to any invoice, or other papers to which his certificate is by law authorized or required, shall be punished by a fine of not more than ten thousand dollars, and by imprisonment for a term not more than three years. [See §§ 1715, 1717.]

1317. SEC. 5495. The refusal of any person, whether in or out of office, charged with the safe-keeping, transfer, or disbursement of the public money, to pay any draft, order, or warrant, drawn upon him by the proper accounting officer of the Treasury, for any public money in his hands belonging to the United States, no matter in what capacity the same may have been received, or may be held, or to transfer or disburse any such money promptly, upon the legal requirement of any authorized officer, shall be deemed, upon the trial of any indictment against such person for embezzlement, as prima-facie evidence of such embezzlement. [See § 3644.]



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APPENDIX No. III.

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TREATIES AND EXTRACTS FROM TREATIES RELATING  
TO CONSULAR OFFICERS.

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## EXTRACTS FROM TREATIES AND CONVENTIONS REFERRED TO IN THE TEXT.

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### ARGENTINE REPUBLIC.

*Treaty concluded July 27, 1853 (Friendship, Commerce, and Navigation).*

#### 1318. ARTICLE IX.

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If any citizen of either the two contracting parties shall die without will or testament, in any of the territories of the other, the Consul-General or Consul of the nation to which the deceased belonged, or the representative of such Consul-General or Consul, in his absence, shall have the right to intervene in the possession, administration, and judicial liquidation of the estate of the deceased, conformably with the laws of the country, for the benefit of the creditors and legal heirs.

#### 1319. ARTICLE XI.

It shall be free for each of the two contracting parties to appoint Consuls for the protection of trade, to reside in any of the territories of the other party; but, before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the government to which he is sent; and either of the contracting parties may except from the residence of Consuls such particular places as they judge fit to be excepted.

The archives and papers of the Consulates of the respective governments shall be respected inviolably, and under no pretext whatever shall any magistrate, or any of the local authorities, seize or in any way interfere with them.

The Diplomatic Agents and Consuls of the Argentine Confederation shall enjoy, in the territories of the United States, whatever privileges, exemptions, and immunities are, or shall be, granted to Agents of the same rank, belonging to the most favored nation and, in like manner,

the Diplomatic Agents and Consuls of the United States, in the territories of the Argentine Confederation, shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities are, or may be, granted in the Argentine Confederation to the Diplomatic Agents and Consuls of the most favored nation.

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### AUSTRIA-HUNGARY.

*Consular Convention concluded July 11, 1870 (Rights, privileges, and immunities of Consuls).*

#### 1320. ARTICLE I.

Each of the high contracting parties shall be at liberty to establish Consuls-General, Consuls, Vice-Consuls, or Consular Agents at the ports and places of trade of the other party, except those where it may not be convenient to recognize such officers; but this exception shall not apply to one of the high contracting parties without also applying to every other Power. Consuls-General, Consuls, and other Consular Officers appointed and taking office according to the provisions of this article, in one or the other of the two countries, shall be free to exercise the right accorded them by the present convention throughout the whole of the district for which they may be respectively appointed. The said functionaries shall be admitted and recognized respectively upon presenting their credentials in accordance with the rules and formalities established in their respective countries. The exequatur required for the free exercise of their official duties shall be delivered to them free of charge; and upon exhibiting such exequatur they shall be admitted at once and without interference by the authorities, Federal or State, judicial or executive, of the ports, cities, and places of their residence and district, to the enjoyment of the prerogatives reciprocally granted.

#### 1321. ARTICLE II.

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents, their Chancellors, and other Consular Officers, if they are citizens of the State which appoints them, shall be exempt from military billetings, from service in the military or the national guard, and other duties of the same nature, and from all direct and personal taxation, whether Federal, State, or municipal, provided they be not owners of real estate, and neither carry on trade nor any industrial business.

If, however, they are not citizens of the State which appoints them, or if they are citizens of the State in which they reside, or if they own property, or engage in any business there that is taxed under any laws of the country, then they shall be subject to the same taxes, charges, and assessments as other private individuals. They shall, moreover, enjoy personal immunities, except for acts regarded as crimes by the laws of the country in which they reside. If they are engaged in commerce, personal detention can be resorted to in their case only for commercial liabilities, and then in accordance only with general laws, applicable to all persons alike.

#### 1322. ARTICLE III.

Consuls-General, Consuls, and their Chancellors, Vice-Consuls, and Consular Officers, if citizens of the country which appoints them, shall not be summoned to appear as witnesses before a court of justice, except when, pursuant to law, the testimony of a Consul may be necessary for the defense of a person charged with crime. In other cases the local court, when it deems the testimony of a Consul necessary, shall either go to his dwelling to have the testimony taken orally, or shall send there a competent officer to reduce it to writing, or shall ask of him a written declaration.

#### 1323. ARTICLE IV.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall be at liberty to place over the chief entrance of their respective offices the arms of their nation, with the inscription, "Consulate-General," "Consulate," "Vice-Consulate," or "Consular Agency," as may be. They shall also be at liberty to hoist the flag of their country on the Consular edifice, except when they reside in a city where the legation of their Government may be established. They shall also be at liberty to hoist their flag on board the vessel employed by them in port for the discharge of their duty.

#### 1324. ARTICLE V.

The Consular archives shall be at all times inviolable, and under no pretense whatever shall the local authorities be allowed to examine or seize the papers forming part of them.

#### ARTICLE VI.

In the event of incapacity, absence, or death of Consuls-General, Consuls, Vice-Consuls, their Consular Pupils, Chancellors, or Secretaries,

whose official character may have been previously made known to the respective authorities in the United States, or in the Austro-Hungarian Empire, shall be admitted at once to the temporary exercise of the Consular functions, and they shall, for the duration of it, enjoy all the immunities, rights, and privileges conferred upon them by the convention.

1326. ARTICLE VII.

Consuls General and Consuls shall have the power to appoint Vice-Consuls and Consular Agents in the cities, ports, and towns within their Consular Districts, subject, however, to the approbation of the Government of the country where they reside. These Vice-Consuls and Consular Agents may be selected indiscriminately from among citizens of the two countries or from foreigners, and they shall be furnished with a commission issued by the appointing Consul, under whose orders they are to be placed. They shall enjoy the privileges and liberties stipulated in this convention. To Vice-Consuls and to Consular Agents who are not citizens of the State which appoints them, the privileges and immunities specified in Article II shall not extend.

1327. ARTICLE VIII.

Consuls-General, Consuls, Vice-Consuls, or Consular Agents of the two countries may, in the exercise of their duties, apply to the authorities within their district, whether federal or local, judicial or executive, in the event of any infraction of the treaties and conventions between the two countries; also for the purpose of protecting the rights of their countrymen. Should the said authorities fail to take due notice of their application, they shall be at liberty, in the absence of any Diplomatic Representative of their country, to apply to the Government of the country where they reside.

1328. ARTICLE IX.

Consuls-General, Consuls, Vice-Consuls, or Consular Agents of the two countries, also their Chancellors, shall have the right to take at their office, at the residence of the parties, or on board ship, the depositions of the captains and crews of vessels of their own nation, of passengers on board of them, of merchants or any other citizens of their own country. They shall have the power also to receive and verify, conformably to the laws and regulations of their country: 1st. Wills and bequests of their countrymen, and all such acts and contracts between their countrymen

as are intended to be drawn up in an authentic form and verified. 2d. Any and all acts of agreement entered upon between citizens of their own country and inhabitants of the country where they reside. All such acts of agreement, and other instruments, and also copies thereof, when duly authenticated by such Consul-General, Consul, Vice-Consul, or Consular Agent under his official seals, shall be received in courts of justice as legal documents, or as authenticated copies, as the case may be, and shall have the same force and effect as if drawn up by competent public officers of one or the other of the two countries. Consuls-General, Consuls, Vice-Consuls, or Consular Agents of the respective countries shall have the power to translate and legalize all documents issued by the authorities or functionaries of their own country, and such papers shall have the same force and effect in the country where the aforesaid officers reside as if drawn up by sworn interpreters.

## 1329. ARTICLE X.

Consuls-General, Consuls, Vice-Consuls, or Consular Agents shall be at liberty to go on board the vessels of their nation admitted to entry, either in person or by proxy, and to examine the captain and crew, to look into the register of the ship, to receive declarations with reference to their voyage, their destination, and the incidents of the voyage; also, to draw up manifests, lists of freight, to assist in dispatching their vessels, and finally to accompany the said captains or crews before the courts and before the administrative authorities, in order to act as their interpreters or agents in their business transactions or applications of any kind. The judicial authorities and custom-house officials shall in no case proceed to the examination or search of merchant-vessels without previous notice to the Consular authority of the nation to which the said vessels belong, in order to enable them to be present.

They shall also give due notice to Consuls, Vice-Consuls, or Consular Agents, in order to enable them to be present at any depositions or statements to be made in courts of law, or before local magistrates, by captains or persons composing the crew, thus to prevent errors or false interpretations which might impede the correct administration of justice.

The notice to Consuls, Vice-Consuls, or Consular Agents shall name the hour fixed for such proceedings, and upon the non-appearance of the said officers or their representatives the case shall be proceeded with in their absence.

## 1330. ARTICLE XI.

Consuls, Vice-Consuls, or Consular Agents shall have exclusive charge of the internal order of the merchant-vessels of their nation. They shall have, therefore, the exclusive power to take cognizance of and to settle all differences which may arise at sea or in port between captains, officers, and crews in reference to wages and the execution of mutual contracts, subject in each case to the laws of their own nation. The local authorities shall in no way interfere, except in cases where the differences on board ship are of a nature to disturb the peace and public order in port or on shore, or when persons other than the officers and crew of the vessel are parties to the disturbance, except as aforesaid, the local authorities shall confine themselves to the rendering of forcible assistance, if required, by the Consuls, Vice-Consuls, or Consular Agents, and shall cause the arrest, temporary imprisonment, and removal on board his own vessel of every person whose name is found on the muster-rolls or register of the ship or list of the crew.

## 1331. ARTICLE XII.

Consuls-General, Consuls, Vice-Consuls, or Consular Agents shall have the power to cause the arrest of all sailors or all other persons belonging to the crews of vessels of their nation who may be guilty of having deserted on the respective territories of the high contracting powers, and to have them sent on board or back to their native country. To that end they shall make a written application to the competent local authority, supporting it by the exhibition of the ship's register and list of the crew, or else, should the vessel have sailed previously, by producing an authenticated copy of these documents, showing that the persons claimed really do belong to the ship's crew. Upon such request the surrender of the deserter shall not be refused. Every aid and assistance shall, moreover, be granted to the said Consular authorities for the detection and arrest of deserters, and the latter shall be taken to the prisons of the country and there detained at the request and expense of the Consular authority until there may be an opportunity for sending them away. The duration of this imprisonment shall not exceed the term of three months, at the expiration of which time, and upon three days' notice to the Consul, the prisoner shall be set free, and he shall not be liable to rearrest for the same cause. Should, however, the deserter have committed on shore an indictable offense, the local authorities shall be free to postpone his extradition until due sentence shall



have been passed and executed. The high contracting parties agree that seamen, or other individuals forming part of the ship's crew, who are citizens of the country in which the desertion took place, shall not be affected by the provisions of this article.

#### 1332. ARTICLE XIII.

In all cases where no other agreement to the contrary exists between owners, freighters, and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter the respective ports voluntarily or by stress of weather, shall be settled by the Consuls-General, Consuls, Vice-Consuls, or Consular Agents of their respective nations, provided no interests of citizens of the country where the said functionaries reside, nor of citizens of a third power, are concerned. In that case, and in the absence of a friendly compromise between all parties interested, the adjudication shall take place under supervision of the local authorities.

#### 1333. ARTICLE XIV.

In the event of a vessel belonging to the Government, or owned by a citizen of one of the two contracting States, being wrecked or cast on shore upon the coast of the other, the local authorities shall inform the Consuls-General, Consuls, Vice-Consuls, or Consular Agents of the district of the occurrence, or if such Consular Agency does not exist, they shall communicate with the Consul-General, Consul, Vice-Consul, or Consular Agent of the nearest district.

All proceedings relative to the salvage of American vessels wrecked or cast on shore in Austro-Hungarian waters shall be directed by the United States Consuls-General, Consuls, Vice-Consuls, or Consular Agents; also all proceedings relative to the salvage of Austro-Hungarian vessels wrecked or cast on shore in American waters shall be directed by Austro-Hungarian Consuls-General, Consuls, Vice-Consuls, or Consular Agents.

An interference of the local authorities in the two countries shall take place for the purpose only of assisting the Consular authorities in maintaining order and protecting the rights of salvors not belonging to the crew; also for enforcing the regulations relative to the import or export of the merchandise saved.

In the absence and until the arrival of the Consuls-General, Consuls, Vice-Consuls, or Consular Agents, or their duly appointed delegates, the local authorities shall take all the necessary measures for the protection of persons and preservation of the property saved from the wreck.

No charges shall be made for the interference of the local authorities in such cases, except for expenses incurred through salvage and the preservation of property saved, also for those expenses which, under similar circumstances, vessels belonging to the country where the wreck happens would have to incur.

In case of a doubt concerning the nationality of the wrecks, the local authorities shall have exclusively the management and execution of the provisions laid down in the present article.

The high contracting parties also agree that all merchandise and goods not destined for consumption in the country in which the wreck takes place shall be free of all duties.

#### 1334. ARTICLE XV.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents, also Consular Pupils, Chancellors, and Consular Officers, shall enjoy in the two countries all the liberties, prerogatives, immunities, and privileges granted to functionaries of the same class of the most favored nation.

#### 1335. ARTICLE XVI.

In the case of the death of a citizen of the United States in the Austrian-Hungarian Monarchy, or of a citizen of the Austrian-Hungarian Monarchy in the United States, without having any known heirs or testamentary executors by him appointed, the competent local authorities shall inform the Consuls or Consular Agents of the State to which the deceased belonged of the circumstance, in order that the necessary information may be immediately forwarded to the parties interested.

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### BELGIUM.

*Treaty concluded March 9, 1880 (Rights, Privileges, and Immunities of Consuls).*

#### 1336 ARTICLE I.

Each of the high contracting parties agrees to receive from the other, Consuls-General, Consuls, Vice-Consuls, and Consular Agents, in all its ports, cities, and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the high contracting parties without also applying to every other Power.

## 1337. ARTICLE II.

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the two high contracting parties shall enjoy reciprocally, in the States of the other, all the privileges, exemptions, and immunities that are enjoyed by officers of the same rank and quality of the most favored nation. The said officers, before being admitted to the exercise of their functions and the enjoyment of the immunities theretopertaining, shall present their commissions in the forms established in their respective countries. The Government of each of the two high contracting Powers shall furnish them the necessary exequatur free of charge, and, on the exhibition of this instrument, they shall be permitted to enjoy the rights, privileges, and immunities granted by this convention.

## 1338. ARTICLE III.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents, citizens of the State by which they are appointed, shall be exempt from preliminary arrest except in the case of offenses which the local legislation qualifies as crimes and punishes as such; they shall be exempt from military billetings, from service in the regular army or navy, in the militia, or in the national guard; they shall likewise be exempt from all direct taxes, national, state, or municipal, imposed upon persons, either in the nature of capitation tax or in respect to their property, unless such taxes become due on account of the possession of real estate, or for interest on capital invested in the country where the said officers exercise their functions. This exemption shall not, however, apply to Consuls-General, Consuls, Vice-Consuls, or Consular Agents engaged in any profession, business, or trade, but the said officers shall in such case be subject to the payment of the same taxes that would be paid by any other foreigner under the like circumstances.

## 1339. ARTICLE IV.

When a court of one of the two countries shall desire to receive the judicial declaration or deposition of a Consul-General, Consul, Vice-Consul, or Consular Agent who is a citizen of the State which appointed him, and who is engaged in no commercial business, it shall request him, in writing, to appear before it, and in case of his inability to do so, it shall request him to give his testimony in writing, or shall visit his residence or office to obtain it orally.

It shall be the duty of such officer to comply with this request with as little delay as possible.

In all criminal cases, contemplated by the sixth article of the amendments to the Constitution of the United States, whereby the right is secured to persons charged with crimes to obtain witnesses in their favor, the appearance in court of said Consular Officer shall be demanded, with all possible regard to the Consular dignity and to the duties of his office. A similar treatment shall also be extended to the Consuls of the United States in Belgium, in the like cases.

#### 1340. ARTICLE V.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents may place over the outer door of their offices the arms of their nation, with this inscription: *Consulate-General*, or *Consulate*, or *Vice-Consulate*, or *Consular Agency of the United States* or of *Belgium*.

They may also raise the flag of their country on their offices, except in the capital of the country when there is a legation there. They may in like manner raise the flag of their country over the boat employed by them in the port for the exercise of their functions.

#### 1341. ARTICLE VI.

The Consular offices shall at all times be inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no case shall those offices be used as places of asylum. When a Consular Officer is engaged in other business, the papers relating to the Consulate shall be kept separate.

#### 1342. ARTICLE VII.

In the event of the death, incapacity, or absence of Consuls-General, Consuls, Vice-Consuls, and Consular Agents, their Chancellors or Secretaries, whose official character may have previously been made known to the Department of State at Washington, or to the Ministry for Foreign Affairs in Belgium, may temporarily exercise their functions, and while thus acting they shall enjoy all the rights, prerogatives, and immunities granted to the incumbents.

#### 1343. ARTICLE VIII.

Consuls-General and Consuls may, so far as the laws of their country allow, with the approbation of their respective Governments, appoint Vice-Consuls and Consular Agents in the cities, ports, and places within their consular jurisdiction. These agents may be selected from among

citizens of the United States or of Belgium, or those of other countries. They shall be furnished with a regular commission, and shall enjoy the privileges stipulated for Consular Officers in this convention, subject to the exceptions specified in Articles 3 and 4.

#### 1344. ARTICLE IX.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall have the right to address the administrative and judicial authorities, whether in the United States of the Union, the States or the municipalities, or in Belgium, of the State, the province or the commune, throughout the whole extent of their consular jurisdiction, in order to complain of any infraction of the treaties and conventions between the United States and Belgium, and for the purpose of protecting the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the Consular Officers aforesaid, in the absence of a Diplomatic Agent of their country, may apply directly to the Government of the country where they exercise their functions.

#### 1345. ARTICLE X.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents may take at their offices, at their private residence, at the residence of the parties, or on board ship, the depositions of the captains and crews of vessels of their own country, of passengers on board of them, and of any other citizen of their nation. They may also receive at their offices, conformably to the laws and regulations of their country, all contracts between the citizens of their country and the citizens or other inhabitants of the country where they reside, and even all contracts between the latter, provided they relate to property situated or to business to be transacted in the territory of the nation to which the said Consular Officer may belong.

Such papers and official documents of every kind, whether in the original, in copies, or in translation, duly authenticated and legalized by the Consuls-General, Consuls, Vice-Consuls, and Consular Agents, and sealed with their official seal, shall be received as legal documents in courts of justice throughout the United States and Belgium.

#### 1346. ARTICLE XI.

The respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall alone take cognizance of all differences

which may arise, either at sea or in port, between the captains, officers, and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts. The local authorities shall not interfere except when the disorder that has arisen is of such a nature as to disturb tranquillity and public order on shore or in the port, or when a person of the country or not belonging to the crew shall be concerned therein.

In all other cases the aforesaid authorities shall confine themselves to lending aid to the Consuls and Vice-Consuls or Consular Agents, if they are requested by them to do so, in causing the arrest and imprisonment of any person whose name is inscribed on the crew-list, whenever, for any cause, the said officers shall think proper.

#### 1347. ARTICLE XII.

The respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents may cause to be arrested the officers, sailors, and all other persons making part of the crews, in any manner whatever, of ships of war or merchant vessels of their nation, who may be guilty, or be accused, of having deserted said ships and vessels, for the purpose of sending them on board or back to their country. To this end they shall address the competent local authorities of the respective countries, in writing, and shall make to them a written request for the deserters, supporting it by the exhibition of the register of the vessel and list of the crew, or by other official documents, to show that the persons claimed belong to the said ship's company.

Upon such request, thus supported, the delivery to them of the deserters cannot be refused, unless it should be duly proved that they were citizens of the country where their extradition is demanded at the time of their being inscribed on the crew-list. All the necessary aid and protection shall be furnished for the pursuit, seizure, and arrest of the deserters, who shall even be put and kept in the prisons of the country, at the request and expense of the Consular Officers, until there may be an opportunity for sending them away. If, however, such an opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserters shall be set at liberty, nor shall they be again arrested for the same cause.

If the deserter has committed any misdemeanor, and the court having the right to take cognizance of the offense shall claim and exercise it, the delivery of the deserter shall be deferred until the decision of the court has been pronounced and executed.

## 1348. ARTICLE XIII.

In the absence of an agreement to the contrary between the owners, freighters, and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port voluntarily, or are forced by stress of weather, shall be settled by the Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the respective countries. If, however, any inhabitant of the country or citizen or subject of a third power, shall be interested in the matter, and the parties cannot agree, the competent local authorities shall decide.

## 1349. ARTICLE XIV.

All proceedings relative to the salvage of vessels of the United States wrecked upon the coasts of Belgium, and of Belgian vessels wrecked upon the coasts of the United States, shall be directed by the Consuls-General, Consuls, and Vice-Consuls of the two countries respectively, and until their arrival, by the respective Consular Agents, wherever an agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the Consul in whose district the wreck may have occurred, and who shall be immediately informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of wrecked property.

The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors if these do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved.

It is understood that such merchandise is not to be subjected to any custom-house charges, unless it be intended for consumption in the country where the wreck may have taken place.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

## 1350. ARTICLE XV.

In case of the death of any citizen of the United States in Belgium, or of a citizen of Belgium in the United States, without having any known heirs or testamentary executor by him appointed, the competent local

authorities shall give information of the circumstance to the Consuls or Consular Agents of the nation to which the deceased belongs, in order that the necessary information may be immediately forwarded to parties interested.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall have the right to appear, personally or by delegate, in all proceedings on behalf of the absent or minor heirs, or creditors, until they are duly represented.

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### BOLIVIA.

*Treaty concluded May 13, 1858 (Peace, Friendship, Commerce, and Navigation).*

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#### 1351. ARTICLE XXXI.

To make effectual the protection which the United States and the Republic of Bolivia shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation, each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls and Vice-Consuls may not seem convenient.

#### 1352. ARTICLE XXXII.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, immunities, and prerogatives which belong to them by their public character, they shall, before entering upon their functions, exhibit their commission or patent in due form to the Government to which they are accredited, and, having obtained their *exequatur*, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the Consular District in which they reside.

#### 1353. ARTICLE XXXIII.

It is also agreed that the Consuls and Officers, and persons attached to the Consulate, they not being citizens of the country in which the



Consul resides, shall be exempted from all kinds of imposts and contributions, except those which they shall be obliged to pay on account of their commerce or property, to which the citizens or inhabitants, native or foreign, of the country in which they reside are subject, being, in everything besides, subject to the laws of the respective States. The archives and papers of the Consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

## 1354. ARTICLE XXXIV.

The said Consul shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country; and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel's or ship's roll, or other public documents, that those men were part of the said crews; and on this demand, so proved (saving, however, when the contrary is proved), the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said Consuls, and may be put in the public prisons, at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation; but if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

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## BORNEO.

*Treaty concluded June 23, 1850 (Peace and Friendship).*

## 1355. ARTICLE IX.

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His highness the Sultan of Borneo agrees that in all cases where a citizen of the United States shall be accused of any crime committed in any part of his highness's dominions, the person so accused shall be exclusively tried and adjudged by the American Consul, or other officer duly appointed for that purpose; and in all cases where disputes or differences

may arise between American citizens, or between American citizens and the subjects of his highness, or between American citizens and the citizens or subjects of any other foreign power in the dominions of the Sultan of Borneo, the American Consul, or other duly appointed officer, shall have power to hear and decide the same, without any interference, molestation, or hindrance on the part of any authority of Borneo, either before, during, or after the litigation.

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**BREMEN.**

(See HANSEATIC REPUBLICS.)

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**CHINA.**

*Treaty concluded July 3, 1844 (Peace, Amity, and Commerce).*

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**1356. ARTICLE III.**

The citizens of the United States are permitted to frequent the five ports of Kwangchow, Amoy, Fuchow, Ningpo, and Shanghai, and to reside with their families and trade there, and to proceed at pleasure with their vessels and merchandise to and from any foreign port and either of the said five ports, and from either of the said five ports to any other of them. But said vessels shall not unlawfully enter the other ports of China, nor carry on a clandestine and fraudulent trade along the coasts thereof. And any vessel belonging to a citizen of the United States which violates this provision shall, with her cargo, be subject to confiscation to the Chinese Government.

**1357. ARTICLE IV.**

For the superintendence and regulation of the concerns of the citizens of the United States doing business at the said five ports, the Government of the United States may appoint Consuls or other officers at the same, who shall be duly recognized as such by the officers of the Chinese Government, and shall hold official intercourse and correspondence with the latter, either personal or in writing, as occasion may require, on terms of equality and reciprocal respect. If disrespectfully treated or

aggrieved in any way by the local authorities, said officers on the one hand shall have the right to make representation of the same to the superior officers of the Chinese Government, who will see that full inquiry and strict justice be had in the premises; and, on the other hand, the said Consuls will carefully avoid all acts of unnecessary offense to or collision with the officers and people of China.

## 1358. ARTICLE V.

At each of the said five ports, citizens of the United States lawfully engaged in commerce shall be permitted to import from their own or any other ports into China, and sell there, and purchase therein, and export to their own or any other ports, all manner of merchandise of which the importation or exportation is not prohibited by this treaty, paying the duties which are prescribed by the tariff hereinbefore established, and no other charges whatsoever.

## 1359. ARTICLE VI.

Whenever any merchant-vessel belonging to the United States shall enter either of the said five ports for trade, her papers shall be lodged with the Consul or person charged with affairs, who will report the same to the Commissioner of Customs; and tonnage duty shall be paid on said vessel at the rate of five mace per ton if she be over one hundred and fifty tons burden, and one mace per ton if she be of the burden of one hundred and fifty tons or under, according to the amount of her tonnage, as specified in the register; said payment to be in full of the former charges of measurement and other fees, which are wholly abolished. And if any vessel, which, having anchored at one of the said ports, and there paid tonnage duty, shall have occasion to go to any others of the said ports to complete the disposal of her cargo, the Consul or person charged with affairs will report the same to the Commissioner of Customs, who, on the departure of said vessel, will note in the port clearance that the tonnage duties have been paid, and report the same to the other custom-houses; in which case, on entering another port, the said vessel will only pay duty there on her cargo, but shall not be subject to the payment of tonnage duty a second time.

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## 1360. ARTICLE VIII.

Citizens of the United States, for their vessels bound in, shall be allowed to engage pilots, who will report said vessels at the passes, and

take them into port; and when the lawful duties have all been paid, they may engage pilots to leave port. It shall also be lawful for them to hire, at pleasure, servants, compradors, linguists, and writers, and passage or cargo boats, and to employ laborers, seamen, and persons for whatever necessary service, for a reasonable compensation, to be agreed on by the parties, or settled by application to the Consular Officer of their Government; without interference on the part of the local officers of the Chinese Government.

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#### 1361. ARTICLE X.

Whenever a merchant-vessel belonging to the United States shall cast anchor in either of the said ports, the supercargo, master, or consignee will, within forty-eight hours, deposit the ship's papers in the hands of the Consul, or person charged with the affairs of the United States, who will cause to be communicated to the Superintendent of Customs a true report of the name and tonnage of such vessel, the names of her men, and of the cargo on board; which being done, the Superintendent will give a permit for the discharge of her cargo.

And the master, supercargo, or consignee, if he proceed to discharge the cargo without such permit, shall incur a fine of five hundred dollars; and the goods so discharged without permit shall be subject to forfeiture to the Chinese Government. But if the master of any vessel in port desires to discharge a part, only, of the cargo, it shall be lawful for him to do so, paying duties on such part only, and to proceed with the remainder to any other ports.

Or, if the master so desire, he may, within forty-eight hours after the arrival of the vessel, but not later, decide to depart without breaking bulk; in which case he will not be subject to pay tonnage or other duties or charges until, on his arrival at another port, he shall proceed to discharge cargo, when he will pay the duties on vessel and cargo, according to law. And the tonnage duties shall be held to be due after the expiration of said forty-eight hours.

#### 1362 ARTICLE XI.

The Superintendent of Customs, in order to the collection of the proper duties, will, on application made to him through the Consul, appoint suitable officers, who shall proceed, in the presence of the captain, supercargo, or consignee, to make a just and fair examination of all goods in the act of being discharged for importation, or laden for exportation or

board any merchant vessel of the United States. And if dispute occur in regard to the value of goods subject to an *ad valorem* duty, or in regard to the amount of tare, and the same cannot be satisfactorily arranged by the parties, the question may, within twenty-four hours, and not afterwards, be referred to the said Consul to adjust with the Superintendent of Customs.

## 1363. ARTICLE XII.

Sets of standard balances, and also weights and measures, duly prepared, stamped, and sealed, according to the standard of the custom-house at Canton, shall be delivered by the Superintendents of Customs to the Consuls, at each of the five ports, to secure uniformity, and prevent confusion in measures and weights of merchandise.

## 1364. ARTICLE XIII.

The tonnage duty on vessels belonging to citizens of the United States shall be paid on their being admitted to entry. Duties of import shall be paid on the discharge of the goods, and duties of export on the lading of the same. When all such duties shall have been paid, and not before, the Superintendent of Customs shall give a port clearance, and the Consul shall return the ship's papers, so that she may depart on her voyage. The duties shall be paid to the shroffs authorized by the Chinese Government to receive the same in its behalf. Duties payable by merchants of the United States shall be received either in sycee silver or in foreign money, at the rate of exchange as ascertained by the regulations now in force. And imported goods, on their resale or transit in any part of the Empire, shall be subject to the imposition of no other duty than they are accustomed to pay at the date of this treaty.

## 1365. ARTICLE XIV.

No goods on board any merchant-vessel of the United States in port are to be transhipped to another vessel unless there be particular occasion therefor, in which case the occasion shall be certified by the Consul to the Superintendent of Customs, who may appoint officers to examine into the facts, and permit the transshipment. And if any goods be transhipped without such application, inquiry, and permit, they shall be subject to be forfeited to the Chinese Government.

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## 1366. ARTICLE XVI.

The Chinese Government will not hold itself responsible for any debts which may happen to be due from subjects of China to citizens of the United States, or for frauds committed by them; but citizens of the United States may seek redress in law; and on suitable representation being made to the Chinese local authorities, through the Consul, they will cause due examination in the premises, and take all proper steps to compel satisfaction. But in case the debtor be dead, or without property, or have absconded, the creditor cannot be indemnified, according to the old system of the cohong, so called. And if citizens of the United States be indebted to subjects of China, the latter may seek redress in the same way through the Consul, but without any responsibility for the debt on the part of the United States.

## 1367. ARTICLE XVII.

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At the places of anchorage of the vessels of the United States, the citizens of the United States, merchants, seamen or others sojourning there, may pass and repass in the immediate neighborhood; but they shall not, at their pleasure, make excursions into the country among the villages at large, nor shall they repair to public marts for the purposes of disposing of goods unlawfully and in fraud of the revenue.

And, in order to the preservation of the public peace, the local officers of government at each of the five ports shall, in concert with the Consuls, define the limits beyond which it shall not be lawful for citizens of the United States to go.

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## 1368. ARTICLE XIX.

All citizens of the United States in China, peaceably attending to their affairs, being placed on a common footing of amity and good will with subjects of China, shall receive and enjoy for themselves and everything appertaining to them the special protection of the local authorities of government, who shall defend them from all insult or injury of any sort on the part of the Chinese. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officers, on requisition of the Consul, will immediately dispatch a military force to disperse the rioters, and will apprehend the guilty individuals, and punish them with the utmost rigor of the law.

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## 1369 ARTICLE XX.

Citizens of the United States who may have imported merchandise into any of the free ports of China, and paid the duty thereon, if they desire to re-export the same, in part or in whole, to any other of the said ports, shall be entitled to make application, through their Consul, to the Superintendent of Customs, who, in order to prevent frauds on the revenue, shall cause examination to be made by suitable officers, to see that the duties paid on such goods as entered on the custom-house books correspond with the representation made, and that the goods remain with their original marks unchanged, and shall then make a memorandum in the port clearance of the goods, and the amount of duties paid on the same, and deliver the same to the merchant; and shall also certify the facts to the officers of customs of other ports; all of which being done, on the arrival in port of the vessel in which the goods are laden, and everything being found on examination there to correspond, she will be permitted to break bulk and land the said goods, without being subject to the payment of any additional duty thereon. But if, on such examination, the Superintendent of Customs shall detect any fraud on the revenue in the case, then the goods shall be subject to forfeiture and confiscation to the Chinese Government.

## 1370. ARTICLE XXI.

Subjects of China, who may be guilty of any criminal act toward citizens of the United States, shall be arrested and punished by the Chinese authorities according to the laws of China; and citizens of the United States, who may commit any crime in China, shall be subject to be tried and punished only by the Consul, or other public functionary of the United States thereto authorized, according to the laws of the United States. And in order to the prevention of all controversy and disaffection, justice shall be equitably and impartially administered on both sides.

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## 1371. ARTICLE XXIII.

The Consuls of the United States at each of the five ports open to foreign trade shall make, annually, to the respective governors-general thereof, a detailed report of the number of vessels belonging to the United States which have entered and left said ports during the year, and of the amount and value of goods imported or exported in said vessels, for transmission to and inspection of the board of revenue.

## 1372. ARTICLE XXIV.

If citizens of the United States have special occasion to address any communication to the Chinese local officers of government, they shall submit the same to their Consul, or other officer, to determine if the language be proper and respectful, and the matter just and right; in which event he shall transmit the same to the appropriate authorities for their consideration and action in the premises. In like manner, if subjects of China have special occasion to address the Consul of the United States, they shall submit the communication to the local authorities of their own Government, to determine if the language be respectful and proper, and the matter just and right; in which case the said authorities will transmit the same to the Consul or other officer for his consideration and action in the premises. And if controversies arise between citizens of the United States and subjects of China, which cannot be amicably settled otherwise, the same shall be examined and decided conformably to justice and equity by the public officers of the two nations acting in conjunction.

## 1373. ARTICLE XXV.

All questions in regard to rights, whether of property or person, arising between citizens of the United States in China, shall be subject to the jurisdiction and regulated by the authorities of their own government; and all controversies occurring in China between citizens of the United States and the subjects of any other government shall be regulated by the treaties existing between the United States and such Governments, respectively, without interference on the part of China.

## 1374. ARTICLE XXVI.

Merchant-vessels of the United States, lying in the waters of the five ports of China open to foreign commerce, will be under the jurisdiction of the officers of their own Government, who, with the masters and owners thereof, will manage the same without control on the part of China. For injuries done to the citizens or the commerce of the United States by any foreign power, the Chinese Government will not hold itself bound to make reparation. But if the merchant-vessels of the United States, while within the waters over which the Chinese Government exercises jurisdiction, be plundered by robbers or pirates, then the Chinese local authorities, civil and military, on receiving information thereof, will arrest the said robbers or pirates, and punish them



according to law, and will cause all the property which can be recovered to be placed in the hands of the nearest Consul, or other officer of the United States, to be restored by him to the true owner. But if, by reason of the extent of territory and numerous population of China, it should, in any case, happen that the robbers cannot be apprehended, or the property only in part recovered, then the law will take its course in regard to the local authorities, but the Chinese Government will not make indemnity for the goods lost.

#### 5. ARTICLE XXVII.

If any vessel of the United States shall be wrecked or stranded on the coast of China, and be subjected to plunder or other damage, the proper officers of Government, on receiving information of the fact, will immediately adopt measures for their relief and security; and the persons on board shall receive friendly treatment, and be enabled at once to repair to the most convenient of the free ports, and shall enjoy all facilities for obtaining supplies of provisions and water. And if a vessel shall be forced, in whatever way, to take refuge in any port other than one of the free ports, then in like manner the persons on board shall receive friendly treatment, and the means of safety and security.

#### 1376. ARTICLE XXVIII.

Citizens of the United States, their vessels and property, shall not be subject to any embargo; nor shall they be seized or forcibly detained for any pretense of the public service; but they shall be suffered to prosecute their commerce in quiet, and without molestation or embarrassment.

#### 1377. ARTICLE XXIX.

The local authorities of the Chinese Government will cause to be apprehended all mutineers or deserters from on board the vessels of the United States in China, and will deliver them up to the Consuls or other officers for punishment. And if criminals, subjects of China, take refuge in the houses or on board the vessels of citizens of the United States, they shall not be harbored or concealed, but shall be delivered up to justice on due requisition by Chinese local officers addressed to those of the United States.

The merchants, seamen, and other citizens of the United States shall be under the superintendence of the appropriate officers of their Government. If individuals of either nation commit acts of violence and

disorder, use arms to the injury of others, or create disturbances endangering life, the officers of the two Governments will exert themselves to enforce order, and to maintain the public peace, by doing impartial justice in the premises.

## 1378. ARTICLE XXX.

The superior authorities of the United States and of China, in corresponding together, shall do so in terms of equality, and in the form of mutual communication (*chau hwui*). The Consuls, and the local officers, civil and military, in corresponding together, shall likewise employ the style and form of mutual communication (*chau hwui*). When inferior officers of one Government address superior officers of the other, they shall do so in the style and form of memorial (*shin chin*). Private individuals, in addressing superior officers, shall employ the style of petition (*pin ching*). In no case shall any terms or style be suffered which shall be offensive or disrespectful to either party. And it is agreed that no presents, under any pretext or form whatever, shall ever be demanded of the United States by China, or of China by the United States.

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*Treaty concluded June 18, 1858.*

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## 1379. ARTICLE VII.

The superior authorities of the United States and of China, in corresponding together, shall do so on terms of equality and in form of mutual communication (*chau hwui*). The Consuls and the local officers, civil and military, in corresponding together shall likewise employ the style and form of mutual communication (*chau hwui*). When inferior officers of the one Government address superior officers of the other they shall do so in the style and form of memorial (*shin chin*). Private individuals in addressing superior officers, shall employ the style of petition (*pin ching*). In no case shall any terms or style be used or suffered which shall be offensive or disrespectful to either party. And it is agreed that no presents, under any pretext or form whatever, shall ever be demanded of the United States by China, or of China by the United States.

## 1380. ARTICLE VIII.

In all future personal intercourse between the representative of the United States of America and the governors-general or governors, the

interviews shall be had at the official residence of the said officers, or at their temporary residence, or at the residence of the representative of the United States of America, whichever may be agreed upon between them; nor shall they make any pretext for declining these interviews. Current matters shall be discussed by correspondence, so as not to give the trouble of a personal meeting.

#### 1381. ARTICLE IX.

Whenever national vessels of the United States of America, in cruising along the coast and among the ports opened for trade for the protection of the commerce of their country or for the advancement of science, shall arrive at or near any of the ports of China, commanders of said ships and the superior local authorities of Government shall, if it be necessary, hold intercourse on terms of equality and courtesy, in token of the friendly relations of their respective nations; and the said vessels shall enjoy all suitable facilities on the part of the Chinese Government in procuring provisions or other supplies and making necessary repairs. And the United States of America agree that in case of the shipwreck of any American vessel, and its being pillaged by pirates, or in case any American vessel shall be pillaged or captured by pirates on the seas adjacent to the coast, without being shipwrecked, the national vessels of the United States shall pursue the said pirates, and if captured deliver them over for trial and punishment.

#### 1382. ARTICLE X.

The United States of America shall have the right to appoint Consuls and other Commercial Agents for the protection of trade, to reside at such places in the dominions of China as shall be agreed to be opened; who shall hold official intercourse and correspondence with the local officers of the Chinese Government (a Consul or Vice-Consul in charge taking rank with an intendant of circuit or prefect), either personally or in writing, as occasions may require, on terms of equality and reciprocal respect. And the Consuls and local officers shall employ the style of mutual communication. If the officers of either nation are disrespectfully treated or aggrieved in any way by the other authorities, they have the right to make representation of the same to the superior officers of the respective Governments, who shall see that full inquiry and strict justice shall be had in the premises. And the said Consuls and Agents shall carefully avoid all acts of offense to the officers and people of China. On the arrival of a Consul duly accredited at any port in China,

it shall be the duty of the Minister of the United States to notify the same to the governor-general of the province where such port is, who shall forthwith recognize the said consul and grant him authority to act.

## 1383. ARTICLE XI.

All citizens of the United States of America in China, peaceably attending to their affairs, being placed on a common footing of amity and good will with subjects of China, shall receive and enjoy for themselves and everything appertaining to them the protection of the local authorities of Government, who shall defend them from all insult or injury of any sort. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officers, on requisition of the Consul, shall immediately dispatch a military force to disperse the rioters, apprehend the guilty individuals, and punish them with the utmost rigor of the law. Subjects of China guilty of any criminal act toward citizens of the United States shall be punished by the Chinese authorities according to the laws of China; and citizens of the United States, either on shore or in any merchant-vessel, who may insult, trouble, or wound the persons or injure the property of Chinese, or commit any other improper act in China, shall be punished only by the Consul or other public functionary thereto authorized, according to the laws of the United States. Arrests in order to trial may be made by either the Chinese or the United States authorities.

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## 1384. ARTICLE XIII.

If any vessel of the United States be wrecked or stranded on the coast of China, and be subjected to plunder or other damage, the proper officers of Government, on receiving information of the fact, shall immediately adopt measures for its relief and security; the persons on board shall receive friendly treatment, and be enabled to repair at once to the nearest port, and shall enjoy all facilities for obtaining supplies of provisions and water. If the merchant-vessels of the United States, while within the waters over which the Chinese Government exercises jurisdiction, be plundered by robbers or pirates, then the Chinese local authorities, civil and military, on receiving information thereof, shall arrest the said robbers or pirates, and punish them according to law, and shall cause all the property which can be recovered to be restored to the owners or placed in the hands of the Consul. If, by reason of the

extent of territory and numerous population of China, it shall in any case happen that the robbers cannot be apprehended, and the property only in part recovered, the Chinese Government shall not make indemnity for the goods lost; but if it shall be proved that the local authorities have been in collusion with the robbers, the same shall be communicated to the superior authorities for memorializing the Throne, and these officers shall be severely punished, and their property be confiscated to repay the losses.

1385. ARTICLE XIV.

The citizens of the United States are permitted to frequent the ports and cities of Canton and Chau-chau or Swatau, in the province of Kwang-tung, Amoy, Fuh-chau, and Tai-wan, in Formosa, in the province of Fuh-kien, Ningpo, in the province of Cheh kiang, and Shanghai, in the province of Kiang-su, and any other port or place hereafter by treaty with other powers or with the United States opened to commerce, and to reside with their families and trade there, and to proceed at pleasure with their vessels and merchandise from any of these ports to any other of them. But said vessels shall not carry on a clandestine and fraudulent trade at other ports of China not declared to be legal, or along the coasts thereof; and any vessel under the American flag violating this provision shall, with her cargo, be subject to confiscation to the Chinese Government; and any citizen of the United States who shall trade in any contraband article of merchandise shall be subject to be dealt with by the Chinese Government, without being entitled to any countenance or protection from that of the United States; and the United States will take measures to prevent their flag from being abused by the subjects of other nations as a cover for the violation of the laws of the Empire.

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1386. ARTICLE XVI.

Tonnage duties shall be paid on every merchant-vessel belonging to the United States entering either of the open ports, at the rate of four mace per ton of forty cubic feet, if she be over one hundred and fifty tons burden, and one mace per ton of forty cubic feet if she be of the burden of one hundred and fifty tons or under, according to the tonnage specified in the register; which, with her other papers, shall, on her arrival, be lodged with the Consul, who shall report the same to the Commissioner of Customs. And if any vessel, having paid tonnage duty at one port, shall go to any other port to complete the disposal of her cargo, or, being in ballast, to purchase an entire or fill up an incomplete cargo, the

Consul shall report the same to the Commissioner of Customs, who shall note on the port clearance that the tonnage duties have been paid, and report the circumstances to the Collectors at the other custom-houses; in which case, the said vessel shall only pay duty on her cargo, and not be charged with tonnage duty a second time. The Collectors of Customs at the open ports shall consult with the Consuls about the erection of beacons or light-houses, and where buoys and light-ships should be placed.

1387. ARTICLE XVII.

Citizens of the United States shall be allowed to engage pilots to take their vessels into port, and, when the lawful duties have all been paid, take them out of port. It shall be lawful for them to hire at pleasure servants, compradors, linguists, writers, laborers, seamen, and persons for whatever necessary service, with passage or cargo boats, for a reasonable compensation, to be agreed upon by the parties or determined by the Consul.

1388. ARTICLE XVIII.

Whenever merchant-vessels of the United States shall enter a port, the Collector of Customs shall, if he see fit, appoint custom-house officers to guard said vessels, who may live on board the ship or their own boats, at their convenience. The local authorities of the Chinese Government shall cause to be apprehended all mutineers or deserters from on board the vessels of the United States in China on being informed by the Consul, and will deliver them up to the Consuls or other officer for punishment. And if criminals, subjects of China, take refuge in the houses or on board the vessels of citizens of the United States, they shall not be harbored or concealed, but shall be delivered up to justice on due requisition by the Chinese local officers, addressed to those of the United States. The merchants, seamen, and other citizens of the United States shall be under the superintendence of the appropriate officers of their Government. If individuals of either nation commit acts of violence or disorder, use arms to the injury of others, or create disturbances endangering life, the officers of the two Governments will exert themselves to enforce order and to maintain the public peace, by doing impartial justice in the premises.

1389. ARTICLE XIX.

Whenever a merchant-vessel belonging to the United States shall cast anchor in either of the said ports, the supercargo, master, or consignee, shall, within forty-eight hours, deposit the ship's papers in the

hands of the Consul or person charged with his functions, who shall cause to be communicated to the Superintendent of Customs a true report of the name and tonnage of such vessel, the number of her crew, and the nature of her cargo, which being done, he shall give a permit for her discharge. And the master, supercargo, or consignee, if he proceed to discharge the cargo without such permit, shall incur a fine of five hundred dollars, and the goods so discharged without permit shall be subject to forfeiture to the Chinese Government. But if a master of any vessel in port desire to discharge a part only of the cargo, it shall be lawful for him to do so, paying duty on such part only, and to proceed with the remainder to any other ports. Or, if the master so desire, he may, within forty-eight hours after the arrival of the vessel, but not later, decide to depart without breaking bulk; in which case he shall not be subject to pay tonnage or other duties or charges until, on his arrival at another port, he shall proceed to discharge cargo, when he shall pay the duties on vessel and cargo, according to law. And the tonnage duties shall be held due after the expiration of the said forty-eight hours. In case of the absence of the Consul or person charged with his functions, the captain or supercargo of the vessel may have recourse to the Consul of a friendly power, or, if he please, directly to the Superintendent of Customs, who shall do all that is required to conduct the ship's business.

1390. ARTICLE XX.

The Superintendent of Customs, in order to the collection of the proper duties, shall, on application made to him through the Consul, appoint suitable officers, who shall proceed, in the presence of the captain, supercargo, or consignee, to make a just and fair examination of all goods in the act of being discharged for importation or laden for exportation on board any merchant-vessel of the United States. And if disputes occur in regard to the value of goods subject to ad valorem duty, or in regard to the amount of tare, and the same cannot be satisfactorily arranged by the parties, the question may, within twenty-four hours, and not afterward, be referred to the said Consul to adjust with the Superintendent of Customs.

1391. ARTICLE XXI.

Citizens of the United States who may have imported merchandise into any of the free ports of China, and paid the duty thereon, if they desire to re-export the same in part or in whole to any other of the said ports,

shall be entitled to make application, through their Consul, to the Superintendent of Customs, who, in order to prevent fraud on the revenue, shall cause examination to be made, by suitable officers, to see that the duties paid on such goods as are entered on the custom-house books correspond with the representation made, and that the goods remain with their original marks unchanged, and shall then make a memorandum in the port clearance of the goods and the amount of duties paid on the same, and deliver the same to the merchant, and shall also certify the facts to the officers of customs of the other ports; all which being done on the arrival in port of the vessel in which the goods are laden, and everything being found, on examination there, to correspond, she shall be permitted to break bulk and land the said goods without being subject to the payment of any additional duty thereon. But, if, on such examination, the Superintendent of Customs shall detect any fraud on the revenue in the case, then the goods shall be subject to forfeiture and confiscation to the Chinese Government. Foreign grain or rice brought into any port of China in a ship of the United States, and not landed, may be re-exported without hindrance.

#### 1392. ARTICLE XXII.

The tonnage duty on vessels of the United States shall be paid on their being admitted to entry. Duties of import shall be paid on the discharge of the goods, and duties of export on the lading of the same. When all such duties shall have been paid, and not before, the collector of customs shall give a port clearance, and the Consul shall return the ship's papers. The duties shall be paid to the shroffs authorized by the Chinese Government to receive the same. Duties shall be paid and received, either in sycee silver or in foreign money, at the rate of the day. If the Consul permits a ship to leave the port before the duties and tonnage dues are paid, he shall be held responsible therefor.

#### 1393. ARTICLE XXIII.

When goods on board any merchant-vessel of the United States in port require to be transhipped to another vessel, application shall be made to the Consul, who shall certify what is the occasion therefor to the Superintendent of Customs, who may appoint officers to examine into the facts and permit the transshipment. And if any goods be transhipped without written permits they shall be subject to be forfeited to the Chinese Government.



## 94. ARTICLE XXIV.

Where there are debts due by subjects of China to citizens of the United States the latter may seek redress in law; and on suitable representations being made to the local authorities, through the Consul, they will cause due examination in the premises, and take proper steps to compel satisfaction. And if citizens of the United States be indebted to subjects of China, the latter may seek redress by representation through the Consul, or by suit in the Consular Court; but neither Government will hold itself responsible for such debts.

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## 1395. ARTICLE XXVIII.

If citizens of the United States have special occasion to address any communication to the Chinese local officers of Government, they shall submit the same to their Consul or other officer, to determine if the language be proper and respectful and the matter just and right, in which event he shall transmit the same to the appropriate authorities for their consideration and action in the premises. If subjects of China have occasion to address the Consul of the United States, they may address him directly at the same time they inform their own officers, representing the case for his consideration and action in the premises; and if controversies arise between citizens of the United States and subjects of China, which cannot be amicably settled otherwise, the same shall be examined and decided conformably to justice and equity by the public officers of the two nations, acting in conjunction. The extortion of illegal fees is expressly prohibited. Any peaceable persons are allowed to enter the court in order to interpret, lest injustice be done.

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*Supplemental treaty, concluded November 17, 1880.*

## 1396. ARTICLE I.

The Governments of the United States and China, recognizing the benefits of their past commercial relations, and in order still further to promote such relations between the citizens and subjects of the two powers, mutually agree to give the most careful and favorable attention to the representations of either as to such special extension of commercial intercourse as either may desire.

## 1397. ARTICLE II.

The Governments of China and of the United States mutually agree and undertake that Chinese subjects shall not be permitted to import opium into any of the ports of the United States; and citizens of the United States shall not be permitted to import opium into any of the open ports of China; to transport it from one open port to any other open port; or to buy and sell opium in any of the open ports of China. This absolute prohibition, which extends to vessels owned by the citizens or subjects of either power, to foreign vessels employed by them, or to vessels owned by the citizens or subjects of either power and employed by other persons for the transportation of opium, shall be enforced by appropriate legislation on the part of China and the United States; and the benefits of the favored nation clause in existing treaties shall not be claimed by the citizens or subjects of either power as against the provisions of this article.

## 1398. ARTICLE III.

His Imperial Majesty the Emperor of China hereby promises and agrees that no other kind or higher rate of tonnage dues, or duties for imports or exports, or coastwise trade shall be imposed or levied in the open ports of China upon vessels wholly belonging to citizens of the United States; or upon the produce, manufactures, or merchandise imported in the same from the United States; or from any foreign country; or upon the produce, manufactures, or merchandise exported in the same to the United States or to any foreign country; or transported in the same from one open port of China to another, than are imposed or levied on vessels or cargoes of any other nation or on those of Chinese subjects.

The United States hereby promise and agree that no other kind or higher rate of tonnage dues or duties for imports shall be imposed or levied in the ports of the United States upon vessels wholly belonging to the subjects of His Imperial Majesty and coming either directly or by way of any foreign port, from any of the ports of China which are open to foreign trade, to the ports of the United States; or returning therefrom either directly or by way of any foreign port, to any of the open ports of China; or upon the produce, manufactures, or merchandise imported in the same from China or from any foreign country, than are imposed or levied on vessels of other nations which make no discrimination against the United States in tonnage dues or duties on imports, exports, or coastwise trade; or than are imposed or levied on vessels and cargoes of citizens of the United States.

## 1399. ARTICLE IV.

When controversies arise in the Chinese Empire between citizens of the United States and subjects of his Imperial Majesty, which need to be examined and decided by the public officers of the two nations, it is agreed between the Governments of the United States and China that such cases shall be tried by the proper official of the nationality of the defendant. The properly authorized official of the plaintiff's nationality shall be freely permitted to attend the trial and shall be treated with the courtesy due to his position. He shall be granted all proper facilities for watching the proceedings in the interests of justice. If he so desires, he shall have the right to present, to examine, and to cross-examine witnesses. If he is dissatisfied with the proceedings, he shall be permitted to protest against them in detail. The law administered will be the law of the nationality of the officer trying the case.

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*Immigration treaty, concluded November 17, 1880.*

## 1400. ARTICLE I.

Whenever, in the opinion of the Government of the United States, the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

## 1401. ARTICLE II.

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord,

and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

1402. ARTICLE III.

If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

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*Convention, concluded March 17, 1894 (Emigration between the two countries).*

1403. ARTICLE I.

The High Contracting Parties agree that for a period of ten years, beginning with the date of the exchange of the ratifications of this Convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited.

1404. ARTICLE II.

The preceding Article shall not apply to the return to the United States of any registered Chinese laborer who has a lawful wife, child, or parent in the United States, or property therein of the value of one thousand dollars, or debts of like amount due him and pending settlement. Nevertheless every such Chinese laborer shall, before leaving the United States, deposit, as a condition of his return, with the collector of customs of the district from which he departs, a full description in writing of his family, or property, or debts, as aforesaid, and shall be furnished by said collector with such certificate of his right to return under this Treaty as the laws of the United States may now or hereafter prescribe and not inconsistent with the provisions of this Treaty; and should the written description aforesaid be proved to be false, the right of return thereunder, or of continued residence after return, shall in each case be forfeited. And such right of return to the United States shall be exercised within one year from the date of leaving the United States; but such right of return to the United States may be extended for an additional period, not to exceed one year, in cases where by reason of sickness or

other cause of disability beyond his control, such Chinese laborer shall be rendered unable sooner to return—which facts shall be fully reported to the Chinese Consul at the port of departure, and by him certified, to the satisfaction of the collector of the port at which such Chinese subject shall land in the United States. And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificate herein required.

#### 1405. ARTICLE III.

The provisions of this Convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants or travellers for curiosity or pleasure, but not laborers, of coming to the United States and residing therein. To entitle such Chinese subjects as are above described to admission into the United States, they may produce a certificate from their Government or the Government where they last resided viséd by the diplomatic or consular representative of the United States in the country or port whence they depart.

It is also agreed that Chinese laborers shall continue to enjoy the privilege of transit across the territory of the United States in the course of their journey to or from other countries, subject to such regulations by the Government of the United States as may be necessary to prevent said privilege of transit from being abused.

#### 1406. ARTICLE IV.

In pursuance of Article III of the Immigration Treaty between the United States and China, signed at Peking on the 17th day of November, 1880, (the 15th day of the tenth month of Kwanghsü, sixth year) it is hereby understood and agreed that Chinese laborers or Chinese of any other class, either permanently or temporarily residing in the United States, shall have for the protection of their persons and property all rights that are given by the laws of the United States to citizens of the most favored nation, excepting the right to become naturalized citizens. And the Government of the United States reaffirms its obligation, as stated in said Article III, to exert all its power to secure protection to the persons and property of all Chinese subjects in the United States.

#### 1407. ARTICLE V.

The Government of the United States, having by an Act of the Congress, approved May 5, 1892, as amended by an Act approved November

3, 1893, required all Chinese laborers lawfully within the limits of the United States before the passage of the first named Act to be registered as in said Acts provided, with a view of affording them better protection, the Chinese Government will not object to the enforcement of such acts, and reciprocally the Government of the United States recognizes the right of the Government of China to enact and enforce similar laws or regulations for the registration, free of charge, of all laborers, skilled or unskilled, (not merchants as defined by said Acts of Congress), citizens of the United States in China, whether residing within or without the treaty ports.

And the Government of the United States agrees that within twelve months from the date of the exchange of the ratifications of this Convention, and annually, thereafter, it will furnish to the Government of China registers or reports showing the full name, age, occupation and number or place of residence of all other citizens of the United States, including missionaries, residing both within and without the treaty ports of China, not including, however, diplomatic and other officers of the United States residing or travelling in China upon official business, together with their body and household servants.

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### COLOMBIA.

*Treaty concluded May 4, 1850, with New Granada (Consular Privileges).*

#### 1408. ARTICLE I.

Each of the two contracting republics may maintain in the principal cities or commercial places of the other, and in the ports open to foreign commerce, Consuls of its own, charged with the protection of the commercial rights and interests of their nation, and to sustain their countrymen in the difficulties to which they may be exposed. They may likewise appoint Consuls-General, as chiefs over the other Consuls, or to attend to the affairs of several commercial places at the same time, and Vice-Consuls for ports of minor importance, or to act under the direction of the Consuls. Each republic may, however, except those cities, places, or ports in which it may consider the residence of such functionaries inconvenient, such exception being common to all nations. All that is said in this convention of Consuls in general shall be considered as relating not only to Consuls, properly so called, but to Consuls-General and Vice-Consuls, in all the cases to which this convention refers.

## 1409. ARTICLE II.

The Consuls appointed by one of the contracting parties to reside in the ports or places of the other shall present to the Government of the republic in which they are to reside their letters patent or commission, in order that they may receive the proper exequatur, if it be deemed expedient to give it, which shall be granted without any charge; and this exequatur, when obtained, is to be exhibited to the chief authorities of the place in which the Consul is to exercise his functions, in order that they may cause him to be recognized in his character, and that he may be sustained in his proper prerogative, in his respective Consular District. The Government receiving the Consul may withdraw the exequatur or his Consular commission whenever it may judge proper to do so, but in such case shall state a reasonable ground for the proceeding.

## 1410. ARTICLE III.

The Consuls admitted in either republic may exercise in their respective districts the following functions:

1. They may apply directly to the authorities of the district in which they reside, and they may, in case of necessity, have recourse to the national Government through the Diplomatic Agent of their nation, if there be any, or directly, if there be no such Agent, in complaint against any infraction of the treaties of commerce committed by the authorities or persons employed by them in the country, to the injury of the commerce of the nation in whose service the Consul is engaged.
2. They may apply to the authorities of the Consular District, and in case of necessity they may have recourse to the national Government through the Diplomatic Agent of their nation, if there be any, or directly, if there be no such Agent, against any abuse on the part of the authorities of the country, or the persons employed by them, against individuals of their nation in whose service the Consul is engaged; and they may, when necessary, take such measures as may be proper to prevent justice from being denied to them or delay, and to prevent them from being judged or punished by any other than competent judges, and agreeably to the laws in force.
3. They may, as the natural defenders of their fellow-countrymen, appear in their name and behalf, whenever so requested by them, before the respective authorities of the place, in all cases in which their support may be necessary.
4. They may accompany the captains, mates, or masters of the vessels

of their nation in all that they may have to do with regard to the manifests of their merchandise and other documents, and be present in all cases in which the authorities, courts, or judges of the country may have to take any declarations from the persons above mentioned, or any other belonging to their respective crews.

5. They may receive depositions, protests, and statements from captains, mates, and masters of vessels of their nation, respecting losses and injuries sustained at sea, and protests of any individuals of their nation respecting mercantile affairs. These documents, drawn up in authentic copies, certified by the Consul, shall be admitted in the courts and offices of justice, and shall have the same validity as if they had been authenticated before the same judges or courts.

6. They may determine on all matters relating to injuries sustained at sea by effects and merchandise shipped in vessels of the nation in whose service the Consul is employed arriving at the place of his residence, provided that there be no stipulations to the contrary between the shippers, owners, and insurers. But if, among the persons interested in such losses and injuries, there should be inhabitants of the country where the Consul resides, and not belonging to the nation in whose service he is, the cognizance of such losses and injuries appertains to the local authorities.

7. They may compromise amicably, and out of court, the differences arising between their fellow-countrymen, providing that those persons agree voluntarily to submit to such arbitration; in which case the document containing the decision of the Consul, authenticated by himself and by his chancellor or secretary, shall have all the force of a notarial copy authenticated, so as to render it obligatory on the interested parties.

8. They may cause proper order to be maintained on board of vessels of their nation, and may decide on the disputes arising between the captains, the officers, and the members of the crew, unless the disorders taking place on board should disturb the public tranquillity, or persons not belonging to the crew or to the nation in whose service the Consul is employed; in which case the local authorities may interfere.

9. They may direct all the operations for saving vessels of their nation which may be wrecked on the coasts of the district where the Consul resides. In such cases the local authorities shall interfere only in order to maintain tranquillity, to give security to the interests of the parties concerned, and to cause the dispositions which should be observed for



the entry and export of the property to be fulfilled. In the absence of the Consul, and until his arrival, the said authorities shall take all the measures necessary for the preservation of the effects of the wrecked vessel.

10. They may take possession, make inventories, appoint appraisers to estimate the value of articles, and proceed to the sales of the movable property of individuals of their nation who may die in the country where the Consul resides without leaving executors appointed by their will or heirs at law. In all such proceedings the Consul shall act in conjunction with two merchants chosen by himself, for drawing up the said papers for delivering the property or the produce of its sale, observing the laws of his country and the orders which he may receive from his own Government; but Consuls shall not discharge these functions in those states whose peculiar legislation may not allow it. Whensoever there is no Consul in the place where the death occurs, the local authorities shall take all the precautions in their power to secure the property of the deceased.

11. They may demand from the local authorities the arrest of seamen deserting from the vessel of the nation in whose service the Consul is employed, exhibiting, if necessary, the register of the vessel, her muster-roll, and any other official document, in support of this demand. The said authorities shall take such measures as may be in their power for the discovery and arrest of such deserters, and shall place them at the disposition of the Consul; but if the vessel to which they belong shall have sailed, and no opportunity for sending them away should occur, they shall be kept in arrest at the expense of the Consul, for two months; and if, at the expiration of that time, they should not have been sent away, they shall be set at liberty by the respective authorities, and cannot again be arrested for the same cause.

12. They may give such documents as may be necessary for the intercourse between the two countries, and countersign those which may have been given by the authorities. They may also give bills of health, if necessary, to vessels sailing from the port where the Consul resides to the port of the nation to which he belongs; they may also certify invoices, muster-rolls, and other papers necessary for the commerce and navigation of vessels.

13. They may appoint a Chancellor or Secretary whensoever the Consulate has none and one is required for authenticating documents.

14. They may appoint Commercial Agents to employ all the means in

their power, in behalf of individuals of the nation in whose service the Consul is, and for executing the commissions which the Consul may think proper to intrust to them, out of the place of his residence; provided, however, that such agents are not to enjoy the prerogatives conceded to Consuls, but only those which are peculiar to Commercial Agents.

1411. ARTICLE IV.

The Consuls of one of the contracting republics residing in another country may employ their good offices in favor of individuals of the other republic which has no Consul in that country.

1412. ARTICLE V.

The contracting republics recognize no diplomatic character in Consuls, for which reason they will not enjoy in either country the immunities granted to public agents accredited in that character; but, in order that the said Consuls may exercise their proper functions without difficulty or delay, they shall enjoy the following prerogatives:

1. The archives and papers of the Consulate shall be inviolable, and cannot be seized by any functionary of the country in which they may be.
2. Consuls, in all that exclusively concerns the exercise of their functions, shall be independent of the state in whose territory they reside.
3. The Consuls and their Chancellors or Secretaries shall be exempt from all public service and from contributions, personal and extraordinary, imposed in the country where they reside. This exemption does not comprehend the Consuls or their Chancellors or Secretaries who may be natives of the country in which they reside.
4. Whenever the presence of Consuls may be required in courts or offices of justice, they shall be summoned in writing.
5. In order that the dwellings of Consuls may be easily and generally known, for the convenience of those who may have to resort to them, they shall be allowed to hoist on them the flag, and to place over their doors the coat of arms of the nation in whose service the Consul may be, with an inscription expressing the functions discharged by him; but those insignia shall not be considered as importing a right of asylum, nor as placing the house or its inhabitants beyond the authority of magistrates who may think proper to search them, and who shall have that right in regard to them in the same manner as with regard to the houses of the other inhabitants in the cases prescribed by the laws.

## 1413. ARTICLE VI.

The persons and dwellings of Consuls shall be subject to the laws and authorities of the country in all cases in which they have not received a special exemption by this Convention, and in the same manner as the other inhabitants.

## 1414. ARTICLE VII.

Consuls shall not give passports to any individual of their nation, or going to their nation, who may be held to answer before any authority, court, or judge of the country for delinquencies committed by them, or for a demand which may have been legally acknowledged; provided that in each case proper notice thereof shall have been given to the Consul; and they shall see that the vessels of their nation do not infringe the rules of neutrality when the nation in which the Consul resides is at war with another nation.

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**COREA, OR CHOSEN.**

(See KOREA.)

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**COSTA RICA.**

*Treaty concluded July 10, 1851 (Friendship, Commerce, and Navigation).*

## 1415. ARTICLE VIII.

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If any citizen of either of the two high contracting parties shall die without will or testament in any of the territories of the other, the Consul-General or Consul of the nation to which the deceased belonged, or the representative of such Consul-General or Consul in his absence, shall have the right to nominate curators to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased, giving proper notice of such nomination to the authorities of the country.

## 1416. ARTICLE IX.

The citizens of the United States residing in the Republic of Costa Rica, and the citizens of the Republic of Costa Rica residing in the United States, shall be exempt from all compulsory military service whatsoever, either by sea or by land, and from all forced loans or military exactions or requisitions; and they shall not be compelled, under any pretext whatever, to pay other ordinary charges, requisitions, or taxes greater than those that are paid by native citizens of the contracting parties respectively.

## 1417. ARTICLE X.

It shall be free for each of the two high contracting parties to appoint Consuls for the protection of trade, to reside in any of the territories of the other party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and either of the high contracting parties may except from the residence of Consuls such particular places as they judge fit to be excepted. The Costa Rican Diplomatic Agents and Consuls shall enjoy in the territories of the United States whatever privileges, exemptions, and immunities are or shall be granted to agents of the same rank belonging to the most favored nation; and, in like manner, the Diplomatic Agents and Consuls of the United States in the Costa Rican territories shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities are or may be granted in the Republic of Costa Rica to the Diplomatic Agents and Consuls of the most favored nation.

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## DENMARK.

*Treaty concluded April 26, 1826 (Friendship, Commerce, and Navigation).*

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## 1418. ARTICLE VIII.

To make more effectual the protection which the United States and His Danish Majesty shall afford in future to the navigation and commerce of their respective citizens and subjects, they agree mutually to

receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, privileges, and immunities of the Consuls and Vice-Consuls of the most favored nation, each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

## 1419. ARTICLE IX.

In order that the Consuls and Vice-Consuls of the contracting parties may enjoy the rights, privileges, and immunities which belong to them, by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and, having obtained their exequatur, which shall be granted gratis, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the Consular district in which they reside.

## 1420. ARTICLE X.

It is likewise agreed that the Consuls and persons attached to their necessary service, they not being natives of the country in which the Consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which inhabitants, native and foreign, of the country in which such Consuls reside, are subject, being in everything besides subject to the laws of the respective states. The archives and papers of the Consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

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*Additional articles concluded July 11, 1861.*

## 1421. ARTICLE I.

The respective Consuls-General, Consuls, Vice-Consuls, and Commercial Agents shall have the right as such to sit as judges and arbitrators in such differences as may arise, either at sea or in port, between the captain, officers, and crew of the vessels belonging to the nation whose

interests are committed to their charge, particularly in reference to the adjustment of wages and the execution of contracts without the interference of the local authorities, unless the conduct of the crew and the officers, or of the captains, should disturb the order or tranquillity of the country.

It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort on their return to the judicial authority of their country.

#### 1422. ARTICLE II.

The Consuls-General, Consuls, Vice-Consuls, and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, or, if the vessel shall have departed, by copy of said documents duly certified by them, that such individuals form part of the crew; and, on this reclamation being thus substantiated, the surrender shall not be refused, unless there be sufficient proof of the said persons being citizens or subjects of the country where their surrender is demanded. Such deserters, when arrested, shall be placed at the disposal of said Consuls-General, Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessel to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatsoever. But if not sent back within three months from the day of their arrest they shall be set at liberty, and shall not be again arrested for the same cause.

However, if the deserter should be found to have committed any crime or offense, his surrender may be delayed until the tribunal before which his case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

The present additional articles shall have the same force and value as if they were inserted, word for word, in the Convention signed at Washington, on the twenty-sixth day of April, one thousand eight hundred and twenty-six.

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## DOMINICAN REPUBLIC.

*Treaty concluded February 8, 1867 (Amity, Commerce, Navigation, and Extradition).*

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## 1423. ARTICLE XXVI.

The high contracting parties grant to each other the liberty of having in the ports of the other, Consuls or Vice-Consuls of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nation; but if any of the said Consuls or Vice-Consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

It is understood that whenever either of the two contracting parties shall select a citizen of the other for a Consular Agent, to reside in any ports or commercial places of the latter, such Consul or Agent shall continue to be regarded, notwithstanding his quality of a foreign Consul, as a citizen of the nation to which he belongs, and consequently shall be subject to the laws and regulations to which natives are subjected in the place of his residence. This obligation, however, shall in no respect embarrass the exercise of his Consular functions or affect the inviolability of the Consular archives.

The said Consuls and Vice-Consuls shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessel belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless their assistance should be required, or the conduct of the crews or of the captain should disturb the order or tranquillity of the country. It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, upon their return, to the judicial authority of their own country.

The said Consuls and Vice-Consuls are authorized to require the assistance of the local authorities for the arrest and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand such deserters, proving by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed

part of the crews; and on this claim being substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the Consuls or Vice-Consuls, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months of the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause. However, if the deserter shall be found to have committed any crime or offense, his surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced its sentence, and such sentence shall have been carried into effect.

1424. ARTICLE XXVII.

The United States of America and the Dominican Republic, on requisitions made in their name through the medium of their respective Diplomatic and Consular Agents, shall deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek asylum or shall be found within the territories of the other: *Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as to justify their apprehension and commitment for trial if the crime had been committed in the country where the persons so accused shall be found; in all of which the tribunals of said country shall proceed and decide according to their own laws.

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ECUADOR.

*Treaty concluded June 13, 1839 (Peace, Friendship, Navigation, and Commerce).*

1425. ARTICLE XXIX.

To make more effectual the protection which the United States and the Republic of Ecuador shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls and Vice-Consuls may not seem convenient.



## 1426. ARTICLE XXX.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited, and, having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the Consular district in which they reside.

## 427. ARTICLE XXXI.

It is likewise agreed that the Consuls, their secretaries, officers, and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempted from all kinds of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside, are subject; being, in everything besides, subject to the laws of the respective states. The archives and papers of the Consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

## 1428. ARTICLE XXXII.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the register of the vessel's or ship's roll, or other public documents, that those men were part of the said crews, and on this demand so proved (saving, however, where the contrary is proved), the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said Consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

## 1429. ARTICLE XXXIII.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a Consular Convention, which shall declare, especially, the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

## 1430. ARTICLE XXXIV.

It is further agreed that the words "*most favored nation*," that occur in this treaty, shall not be so construed as to prevent either of the contracting parties from concluding any treaty or convention with any other nation or state it may think proper, as freely and as fully as though said words were not used: *Provided, however*, That notwithstanding any such treaty or convention the citizens of the United States shall be placed in Ecuador, with respect to navigation and commerce, upon an equal footing with the subjects of Spain, and with the citizens of Mexico, and of the other Hispano-American States, with which treaties have been, or may be, concluded; and that the citizens of Ecuador shall be entitled to enjoy, in the United States, the same rights and privileges, with respect to navigation and commerce, that the citizens of the United States enjoy, or shall enjoy, in Ecuador.

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 EGYPT.

The agreement with Egypt concluded November 16, 1884, may be found in United States TREATIES AND CONVENTIONS (1887), title EGYPT."

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 FRANCE.

*Convention concluded February 23, 1853 (Consular privileges).*

## 1431. ARTICLE I.

The Consuls-General, Consuls, and Vice-Consuls, or Consular Agents of the United States and France, shall be reciprocally received and recognized on the presentation of their commissions, in the form established.

in their respective countries. The necessary exequatur for the exercise of their functions shall be furnished to them without charge; and on the exhibition of this exequatur, they shall be admitted at once and without difficulty, by the territorial authorities, Federal or State, judicial or executive, of the ports, cities, and places of their residence and district, to the enjoyment of the prerogatives reciprocally granted. The Government that furnishes the exequatur reserves the right to withdraw it on a statement of the reason for which it has thought proper to do so.

## 1432. ARTICLE II.

The Consuls-General, Consuls, Vice-Consuls, or Consular Agents of the United States and France shall enjoy in the two countries the privileges usually accorded to their offices, such a personal immunity, except in the case of crime, exemption from military billetings, from service in the militia or the national guard, and other duties of the same nature; and from all direct and personal taxation, whether Federal, State, or municipal. If, however, the said Consuls-General, Consuls, Vice-Consuls, or Consular Agents are citizens of the country in which they reside; if they are, or become, owners of property there, or engage in commerce, they shall be subject to the same taxes and imposts, and, with the reservation of the treatment granted to Commercial Agents, to the same jurisdiction as other citizens of the country who are owners of property or merchants.

They may place on the outer door of their offices, or of their dwelling-houses, the arms of their nation, with an inscription in these words: "Consul of the United States," or "Consul of France"; and they shall be allowed to hoist the flag of their country thereon.

They shall never be compelled to appear as witnesses before the courts. When any declaration for judicial purposes, or deposition, is to be received from them in the administration of justice, they shall be invited, in writing, to appear in court, and if unable to do so, their testimony shall be requested in writing, or be taken orally at their dwellings.

Consular Pupils shall enjoy the same personal privileges and immunities as Consuls-General, Consuls, Vice-Consuls, or Consular Agents.

In case of death, indisposition, or absence of the latter, the Chancellors, Secretaries, and Consular Pupils attached to their offices shall be entitled to discharge *ad interim* the duties of their respective posts; and shall enjoy, while thus acting, the prerogatives granted to the incumbents.

## 1433. ARTICLE III.

The Consular offices and dwellings shall be inviolable. The local authorities shall not invade them under any pretext. In no case shall they examine or seize the papers there deposited. In no case shall those offices or dwellings be used as places of asylum.

## 1434. ARTICLE IV.

The Consuls-General, Consuls, Vice-Consuls, or Consular Agents, of both countries, shall have the right to complain to the authorities of their respective Governments, whether federal or local, judicial or executive, throughout the extent of their Consular district, of any infraction of the treaties or conventions existing between the United States and France, or for the purpose of protecting informally the rights and interests of their countrymen, especially in cases of absence. Should there be no Diplomatic Agent of their nation, they shall be authorized, in case of need, to have recourse to the general or federal Government of the country in which they exercise their functions.

## 1435. ARTICLE V.

The respective Consuls-General and Consuls shall be free to establish, in such parts of their districts as they may see fit, Vice-Consuls or Consular Agents, who may be taken indiscriminately from among Americans of the United States, Frenchmen, or citizens of other countries. These Agents, whose nomination, it is understood, shall be submitted to the approval of the respective Governments, shall be provided with a certificate given to them by the Consul by whom they are named, and under whose orders they are to act.

## 1436. ARTICLE VI.

The Consuls-General, Consuls, Vice-Consuls, or Consular Agents shall have the right of taking at their offices or bureaus, at the domicile of the parties concerned, or on board ship, the declarations of captain, crews, passengers, merchants, or citizens of their country, and of executing there all requisite papers.

The respective Consuls-General, Consuls, Vice-Consuls, or Consular Agents shall have the right also to receive at their offices or bureaus, conformably to the laws and regulations of their country, all acts of agreement executed between the citizens of their own country and the

citizens and inhabitants of the country in which they reside, and even all such acts between the latter, provided that these acts relate to property situated, or to business to be transacted, in the territory of the nation to which the Consul or the Agent before whom they are executed may belong.

Copies of such papers, duly authenticated by the Consuls-General, Consuls, Vice-Consuls, or Consular Agents, and sealed with the official seal of their Consulate, or Consular Agency, shall be admitted in courts of justice throughout the United States and France in like manner as the originals.

#### 1437. ARTICLE VII.

In all the States of the Union whose existing laws permit it, so long and to the same extent as the said laws shall remain in force, Frenchmen shall enjoy the right of possessing personal and real property by the same title and in the same manner as the citizens of the United States. They shall be free to dispose of it as they may please, either gratuitously, or for value received, by donation, testament, or otherwise, just as those citizens themselves; and in no case shall they be subjected to taxes on transfer, inheritance, or any others different from those paid by the latter, or to taxes which shall not be equally imposed.

As to the States of the Union by whose existing laws aliens are not permitted to hold real estate, the President engages to recommend to them the passage of such laws as may be necessary for the purpose of conferring this right.

In like manner, but with the reservation of the ulterior right of establishing reciprocity in regard to possession and inheritance, the Government of France accords to the citizens of the United States the same rights within its territory, in respect to real and personal property and to inheritance, as are enjoyed there by its own citizens.

#### 1438. ARTICLE VIII.

The respective Consuls-General, Consuls, Vice-Consuls, or Consular Agents shall have exclusive charge of the internal order of the merchant-vessels of their nation, and shall alone take cognizance of differences which may arise, either at sea or in port, between the captain, officers, and crew, without exception, particularly in reference to the adjustment of wages and the execution of contracts. The local authorities shall not, on any pretext, interfere in these differences, but shall lend forcible aid to

the Consuls when they may ask it to arrest and imprison all persons composing the crew whom they may deem it necessary to confine. Those persons shall be arrested at the sole request of the Consuls, addressed in writing to the local authority, and supported by an official extract from the register of the ship or the list of the crew, and shall be held, during the whole time of their stay in the port, at the disposal of the Consuls. Their release shall be granted at the mere request of the Consuls made in writing. The expenses of the arrest and detention of those persons shall be paid by the Consuls.

#### 1439. ARTICLE IX.

The respective Consuls-General, Consuls, Vice-Consuls, or Consular Agents may arrest the officers, sailors, and all other persons making part of the crews of ships-of-war or merchant-vessels of their nation who may be guilty or be accused of having deserted said ships and vessels, for the purpose of sending them on board, or back to their country. To that end, the Consuls of France in the United States shall apply to the magistrates designated in the act of Congress of May 4, 1826—that is to say, indiscriminately to any of the Federal, State, or municipal authorities; and the Consuls of the United States in France shall apply to any of the competent authorities, and make a request in writing for the deserters, supporting it by an exhibition of the registers of the vessel and list of the crew, or by other official documents, to show that the men whom they claim belonged to said crew. Upon such request alone, thus supported and without the exaction of any oath from the Consuls, the deserters, not being citizens of the country where the demand is made, either at the time of their shipping or of their arrival in the port, shall be given up to them. All aid and protection shall be furnished them for the pursuit, seizure, and arrest of the deserters, who shall even be put and kept in the prisons of the country at the request and at the expense of the Consuls until these Agents may find an opportunity of sending them away. If, however, such opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserter shall be set at liberty, and shall not again be arrested for the same cause.

#### 1440. ARTICLE X.

The respective Consuls-General, Consuls, Vice Consuls, or Consular Agents shall receive the declarations, protests, and reports of all captains of vessels of their nation in reference to injuries experienced at

sea; they shall examine and take note of the stowage; and when there are no stipulations to the contrary between the owners, freighters, or insurers, they shall be charged with the repairs. If any inhabitants of the country in which the Consuls reside, or citizens of a third nation, are interested in the matter, and the parties cannot agree, the competent local authority shall decide.

#### 1441. ARTICLE XI.

All proceedings relative to the salvage of American vessels wrecked upon the coasts of France, and of French vessels wrecked upon the coasts of the United States, shall be respectively directed by the Consuls-General, Consuls, and Vice-Consuls of the United States in France, and by the Consuls-General, Consuls, and Vice-Consuls of France in the United States, and until their arrival by the respective Consular Agents wherever an agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the Consul in whose district the wreck may have occurred, and who shall be immediately informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of property.

The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors if they do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved.

It is understood that such merchandise shall not be subjected to any custom-house duty if it is to be re-exported; and if it be entered for consumption a diminution of such duty shall be allowed in conformity with the regulations of the respective countries.

#### 1442. ARTICLE XII.

The respective Consuls-General, Consuls, Vice-Consuls, or Consular Agents, as well as their Consular Pupils, Chancellors, and Secretaries, shall enjoy in the two countries all the other privileges, exemptions, and immunities which may at any future time be granted to the agents of the same rank of the most favored nation.

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### GERMANY.

[See also HANSEATIC REPUBLICS.]

## GERMAN EMPIRE.

*Consular Convention concluded December 11, 1871 (Consuls and trade-marks).*

## 1443. ARTICLE I.

Each of the contracting parties agrees to receive from the other Consuls-General, Consuls, Vice-Consuls, and Consular Agents, in all its ports, cities, and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the contracting parties without also applying to every other power.

## 1444. ARTICLE II.

The Consuls-General, Consuls, Vice-Consuls, or Consular Agents shall be reciprocally received and recognized, on the presentation of their commissions, in the forms established in their respective countries. The necessary exequatur for the exercise of their functions shall be furnished to them free of charge, and, on the exhibition of this instrument, they shall be admitted at once, and without difficulty, by the territorial authorities, Federal, State, or communal, judicial or executive, of the port, cities, and places of their residence and district, to the enjoyment of the prerogatives reciprocally granted. The Government that furnishes the exequatur reserves the right to withdraw the same on a statement of the reasons for which it has thought proper to do so.

## 1445. ARTICLE III.

The respective Consuls-General, Consuls, Vice-Consuls, or Consular Agents, as well as their Chancellors and Secretaries, shall enjoy in the two countries all privileges, exemptions, and immunities which have been granted, or may in future be granted, to the agents of the same rank of the most favored nation. Consular Officers, not being citizens of the country where they are accredited, shall enjoy, in the country of their residence, personal immunity from arrest or imprisonment except in the case of crimes, exemption from military billetings and contributions, from military service of every sort, and other public duties, and from all direct or personal or sumptuary taxes, duties, and contributions, whether Federal, State, or municipal. If, however, the said Consular Officers are or become owners of property in the country in which they reside, or engage in commerce, they shall be subject to the same



taxes and imposts, and to the same jurisdiction as citizens of the country, property-holders, or merchants. But under no circumstances shall their official income be subject to any tax. Consular Officers who engage in commerce shall not plead their Consular privileges to avoid their commercial liabilities. Consular Officers of either character shall not in any event be interfered with in the exercise of their official functions, further than is indispensable for the administration of the laws of the country.

**1446. ARTICLE IV.**

Consuls-General, Consuls, Vice-Consuls, and Consular Agents may place over the outer door of their offices, or of their dwellings, the arms of their nation, with the proper inscription indicative of the office. And they may also hoist the flag of their country on their Consular edifice, except in places where a Legation of their country is established.

They may also hoist their flag on board any vessel employed by them in port for the discharge of their duty.

**1447. ARTICLE V.**

The Consular archives shall be at all times inviolable, and under no pretense whatever shall the local authorities be allowed to examine or seize the papers forming part of them. When, however, a Consular Officer is engaged in other business, the papers relating to the Consulate shall be kept in a separate inclosure.

The offices and dwellings of Consules missi who are not citizens of the country of their residence shall be at all times inviolable. The local authorities shall not, except in the case of the pursuit for crimes, under any pretext invade them. In no case shall they examine or seize the papers there deposited. In no event shall those offices or dwellings be used as places of asylum.

**1448. ARTICLE VI.**

In the event of the death, prevention, or absence of Consuls-General, Consuls, Vice-Consuls, and Consular Agents, their Chancellors or Secretaries, whose official character may have previously been made known to the respective authorities in Germany or in the United States, may temporarily exercise their functions, and, while thus acting, they shall enjoy all the rights, prerogatives, and immunities granted by this convention to the incumbents.

## 1449. ARTICLE VII.

Consuls-General and Consuls may, with the approbation of their respective Governments, appoint Vice-Consuls and Consular Agents in the cities, ports, and places within their Consular jurisdiction. These officers may be citizens of Germany, of the United States, or any other country. They shall be furnished with a commission by the Consul who appoints them and under whose orders they are to act, or by the Government of the country which he represents. They shall enjoy the privileges stipulated for Consular Officers in this convention, subject to the exceptions specified in Article III.

## 1450. ARTICLE VIII.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall have the right to apply to the authorities of the respective countries, whether federal or local, judicial or executive, within the extent of their Consular District, for the redress of any infraction of the treaties and conventions existing between the two countries, or of international law; to ask information of said authorities, and to address said authorities to the end of protecting the rights and interests of their countrymen, especially in cases of the absence of the latter; in which cases such Consuls, etc., shall be presumed to be their legal representatives. If due notice should not be taken of such application, the Consular Officers aforesaid, in the absence of a Diplomatic Agent of their country, may apply directly to the Government of the country where they reside.

## 1451. ARTICLE IX.

Consuls-General, Consuls, Vice-Consuls, or Consular Agents of the two countries, or their Chancellors, shall have the right, conformably to the laws and regulations of their country—

1. To take at their office or dwelling, at the residence of the parties, or on board of vessels of their own nation, the depositions of the captains and crews, of passengers on board of them, of merchants, or of any other citizens of their own country.

2. To receive and verify unilateral acts, wills, and bequests of their countrymen, and any and all acts of agreement entered upon between citizens of their own country, and between such citizens and the citizens or other inhabitants of the country where they reside; and also all contracts between the latter, provided they relate to property situated

or to business to be transacted in the territory of the nation by which the said Consular Officers are appointed.

All such acts of agreement and other instruments, and also copies and translations thereof, when duly authenticated by such Consul-General, Consul, Vice-Consul, or Consular Agent under his official seal, shall be received by public officials and in courts of justice as legal documents, or as authenticated copies, as the case may be, and shall have the same force and effect as if drawn up or authenticated by competent public officers of one or the other of the two countries.

#### 1452. ARTICLE X.

In case of the death of any citizen of Germany in the United States, or of any citizen of the United States in the German Empire, without having in the country of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest Consular Officer of the nation to which the deceased belongs of the circumstance, in order that the necessary information may be immediately forwarded to parties interested.

The said Consular Officer shall have the right to appear personally or by delegate in all proceeding on behalf of the absent heirs or creditors, until they are duly represented.

In all successions to inheritances citizens of each of the contracting parties shall pay in the country of the other such duties only as they would be liable to pay if they were citizens of the country in which the property is situated or the judicial administration of the same may be exercised.

#### 1453. ARTICLE XI.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the two countries are exclusively charged with the inventoring and the safe-keeping of goods and effects of every kind left by sailors or passengers on ships of their nation, who die either on board ship or on land during the voyage or in the port of destination.

#### 1454. ARTICLE XII.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall be at liberty to go either in person or by proxy on board vessels of their nation admitted to entry and to examine the officers and crews, to examine the ship's papers, to receive declarations concerning their voyage, their destination, and the incidents of the voyage; also to draw up manifests and lists of freight, to facilitate the entry and clearance of their

vessels, and finally to accompany the said officers or crews before the judicial or administrative authorities of the country, to assist them as their interpreters or agents.

The judicial authorities and custom-house officials shall in no case proceed to the examination or search of merchant vessels without having given previous notice to the Consular Officer of the nation to which the said vessels belong, in order to enable the said Consular Officers to be present.

They shall also give due notice to the said Consular Officers in order to enable them to be present at any depositions or statements to be made in courts of law or before local magistrates, by officers or persons belonging to the crew, thus to prevent errors or false interpretations which might impede the correct administration of justice. The notice to Consuls, Vice-Consuls, or Consular Agents shall name the hour fixed for such proceedings. Upon the non-appearance of the said officers or their representatives, the case may be proceeded with in their absence.

#### 1455. ARTICLE XIII.

Consuls-General, Consuls, Vice-Consuls, or Consular Agents shall have exclusive charge of the internal order of the merchant-vessels of their nation, and shall have the exclusive power to take cognizance of and to determine differences of every kind which may arise, either at sea or in port, between the captains, officers, and crews, and specially in reference to wages and the execution of mutual contracts. Neither any court or authority shall, on any pretext, interfere in these differences, except in cases where the differences on board ship are of a nature to disturb the peace and public order in port, or on shore, or when persons other than the officers and crew of the vessel are parties to the disturbance.

Except as aforesaid, the local authorities shall confine themselves to the rendering of efficient aid to the Consuls, when they may ask it in order to arrest and hold all persons, whose names are borne on the ship's articles, and whom they may deem it necessary to detain. Those persons shall be arrested at the sole request of the Consuls, addressed in writing to the local authorities and supported by an official extract from the register of the ship or the list of the crew, and shall be held, during the whole time of their stay in the port, at the disposal of the Consuls. Their release shall be granted only at the request of the Consuls, made in writing.

The expenses of the arrest and detention of those persons shall be paid by the Consuls.

## 1456. ARTICLE XIV.

Consuls General, Consuls, Vice-Consuls, or Consular Agents may arrest the officers, sailors, and all other persons making part of the crews of ships of war or merchant-vessels of their nation who may be guilty or be accused of having deserted said ships and vessels, for the purpose of sending them on board or back to their country.

To that end, the Consuls of Germany in the United States shall apply to either the Federal, State, or municipal courts or authorities; and the Consuls of the United States in Germany shall apply to any of the competent authorities, and make a request in writing for the deserters, supporting it by an official extract of the register of the vessel, and the list of the crew, or by other official documents, to show that the men whom they claim belong to said crew. Upon such request alone thus supported, and without the exaction of any oath from the Consuls, the deserters (not being citizens of the country where the demand is made either at the time of their shipping or of their arrival in the port) shall be given up to the Consuls. All aid and protection shall be furnished them for the pursuit, seizure, and arrest of the deserters, who shall be taken to the prisons of the country and there detained at the request and at the expense of the Consuls, until the said Consuls may find an opportunity of sending them away.

If, however, such opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause.

## 1457. ARTICLE XV.

In the absence of an agreement to the contrary between the owners, freighters, and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port voluntarily or are forced by stress of weather, shall be settled by the Consuls-Général, Consuls, Vice-Consuls, and Consular Agents of the respective countries. If, however, any inhabitant of the country, or citizen or subject of a third power, shall be interested in the matter, and the parties cannot agree, the competent local authorities shall decide.

## 1458. ARTICLE XVI.

In the event of a vessel belonging to the Government, or owned by a citizen of one of the two contracting parties, being wrecked or cast on shore on the coast of the other, the local authorities shall inform the

Consul-General, Consul, Vice-Consul, or Consular Agent of the district of the occurrence, or if there be no such consular agency, they shall inform the Consul-General, Consul, Vice-Consul, or Consular Agent of the nearest district.

All proceedings relative to the salvage of American vessels wrecked or cast on shore in the territorial waters of the German Empire shall take place in accordance with the laws of Germany; and, reciprocally, all measures of salvage relative to German vessels wrecked or cast on shore in the territorial waters of the United States shall take place in accordance with the laws of the United States.

The consular authorities have in both countries to intervene only to superintend the proceedings having reference to the repair and revictualing, or, if necessary, to the sale of the vessel wrecked or cast ashore.

For the intervention of the local authorities no charges shall be made except such as in similar cases are paid by vessels of the nation.

In case of a doubt concerning the nationality of shipwrecked vessels, the local authorities shall have exclusively the direction of the proceedings provided for in this article.

All merchandise and goods not destined for consumption in the country where the wreck takes place shall be free of all duties.

#### 1459. ARTICLE XVII.

With regard to the marks or labels of goods, or of their packages, and also with regard to patterns and marks of manufacture and trade, the citizens of Germany shall enjoy in the United States of America, and American citizens shall enjoy in Germany, the same protection as native citizens.

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### GREAT BRITAIN.

*Concluded July 3, 1815 (Commerce.)*

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#### 1460. ARTICLE IV.

It shall be free for each of the two contracting parties, respectively, to appoint Consuls for the protection of trade, to reside in the dominions and territories of the other party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and it is hereby declared that, in case of

illegal or improper conduct toward the laws or government of the country to which he is sent, such Consul may either be punished according to law, if the laws will reach the case, or be sent back, the offended Government assigning to the other the reasons for the same.

It is hereby declared that either of the contracting parties may except from the residence of Consuls such particular places as such party shall judge fit to be so excepted.

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*Treaty concluded June 3, 1892 (Reclamation of deserting seamen).*

1461. ARTICLE I.

The Consuls General, Consuls, Vice-Consuls and Consular Agents of either of the High Contracting Parties, residing in the dominions, possessions or colonies of the other, shall have power to require from the proper authorities the assistance provided by law for the apprehension, recovery and restoration of seamen who may desert from any ship belonging to a citizen or subject of their respective countries, while in the ports of the other country. If, however, any such deserter shall have committed any crime or offence in the country where he is found, his surrender or restoration may be delayed until the proper tribunal before which the case shall be pending or may be cognizable, shall have pronounced its sentence and the sentence shall have been carried into effect.

It is understood that the preceding stipulations shall not apply to the citizens or subjects of the country where the desertion shall take place.

GREECE.

*Treaty concluded December 13<sup>th</sup>, 1837 (Amity and Commerce).*

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1462. ARTICLE XII.

Each of the high contracting parties grants to the other the privilege of appointing in its commercial ports and places Consuls, Vice-Consuls, and Commercial Agents, who shall enjoy the full protection and receive

every assistance necessary for the due exercise of their functions; but it is expressly declared that in case of illegal or improper conduct with respect to the laws or government of the country to which said Consuls, Vice-Consuls, or Commercial Agents shall reside, they may be prosecuted and punished conformably to the laws, and deprived of the exercise of their functions by the offended Government, which shall acquaint the other with its motives for having thus acted; it being understood, however, that the archives and documents relative to the affairs of the Consulate shall be exempt from all search and shall be carefully preserved under the seals of the Consuls, Vice-Consuls, or Commercial Agents, and of the authority of the place where they may reside.

The Consuls, Vice-Consuls, or Commercial Agents, or the persons duly authorized to supply their places, shall have the right as such to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation, whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captains should disturb the order or tranquility of the country, or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

#### 1463. ARTICLE XIII.

The said Consuls, Vice-Consuls, or Commercial Agents are authorized to require the assistance of the local authorities for the arrest, detention, and imprisonment of the deserters from the ships of war and merchant-vessels of their country, and for this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews, and on this reclamation being thus substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons at the request and cost of those who claim them, in order to be sent to the vessels to which they belonged, or to others of the same country. But if not sent back within the space of two months, reckoning from the



day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

It is understood, however, that if the deserter should be found to have committed any crime or offense, his surrender may be delayed until the tribunal before which the case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

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### HAMBURG.

(See HANSEATIC REPUBLICS.)

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### HANSEATIC REPUBLICS.

*Additional article to the Convention of Friendship, Commerce, and Navigation, of the 20th of December, 1827, between the United States of America and the Hanseatic Republics of Lubeck, Bremen, and Hamburg, concluded June 4, 1828.*

1464.

The United States of America and the Hanseatic Republics of Lubeck, Bremen, and Hamburg, wishing to favor their mutual commerce by affording, in their ports, every necessary assistance to their respective vessels, the undersigned Plenipotentiaries have further agreed upon the following additional article to the Convention of Friendship, Commerce, and Navigation, concluded at Washington on the twentieth day of December, 1827, between the contracting parties.

The Consuls and Vice-Consuls may cause to be arrested the sailors, being part of the crews of the vessels of their respective countries, who shall have deserted from the said vessels, in order to send them back and transport them out of the country. For which purpose the said Consuls and Vice-Consuls shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters, in writing, proving by an exhibition of the registers of the said vessels, or ship's roll, or other official document, that those men were part of said crews; and on this demand being so proved (saving, however, where the contrary is proved), the delivery shall not be refused; and there shall be given all aid and assistance to the said Consuls and Vice-Consuls for the

search, seizure, and arrest of the said deserters, who shall be even detained and kept in the prisons of the country, at their request and expense, until they shall have found opportunity of sending them back. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty; and shall be no more arrested for the same cause.

It is understood, however, that if the deserter should be found to have committed any crime or offense, his surrender may be delayed until the tribunal before which the case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

The present additional article shall have the same force and value as if it were inserted, word for word, in the Convention signed at Washington on the twentieth day of December, one thousand eight hundred and twenty-seven.

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*Convention for the mutual extension of the jurisdiction of Consuls between the United States of America and the Free and Hanseatic Republics of Hamburg, Bremen, and Lubeck, concluded at Washington, April 30, 1852.*

#### 1465. ARTICLE I.

The Consuls, Vice-Consuls, Commercial, and Vice-Commercial Agents, of each of the high contracting parties shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the master should disturb the order or tranquillity of the country; or the said Consuls, Vice-Consuls, Commercial Agents, or Vice-Commercial Agents, should require their assistance in executing or supporting their own decisions. But this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

#### 1466. ARTICLE II.

The present Convention shall be in force for the term of twelve years from the day of its ratifications; and further until the end of twelve months after the Government of the United States on the one part, or the Free and Hanseatic Republics of Hamburg, Bremen, or Lubeck, or

either of them, on the other part, shall have given notice of their intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of the said term of twelve years. And it is hereby agreed that, at the expiration of twelve months after such notice shall have been received by either of the parties from the other, this convention, and all the provisions thereof, shall altogether cease and determine, as far as regards the States giving and receiving such notice; it being always understood and agreed that if one or more of the Free and Hanseatic Republics aforesaid shall, at the expiration of twelve years from the date of the ratification of the convention, give or receive notice of the termination of the same, it shall, nevertheless, remain in full force and operation, as far as regards the remaining Free and Hanseatic Republics or Republic, which may not have given or received such notice.

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### HAWAIIAN ISLANDS.

*Treaty concluded December 20, 1849 (Friendship, Commerce, and Navigation).*

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#### 1467. ARTICLE X.

Each of the two contracting parties may have, in the ports of the other, Consuls, Vice-Consuls, and Commercial Agents of their own appointment, who shall enjoy the same privileges and powers with those of the most favored nations; but if any such consuls shall exercise commerce, they shall be subject to the same laws and usage to which the private individuals of their nation are subject in the same place. The said Consuls, Vice-Consuls, and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, detention, and imprisonment of the deserters from the ships of war and merchant-vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand the said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request

and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessel to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatsoever. The agents, owners, or masters of vessels on account of whom the deserters have been apprehended upon requisition of the local authorities, shall be required to take or send away such deserters from the States and dominion of the contracting parties, or give such security for their good conduct as the law may require. But if not sent back nor reclaimed within six months from the day of their arrest, or if all the expenses of such imprisonment are not defrayed by the party causing such arrest and imprisonment, they shall be set at liberty, and shall not again be arrested for the same cause. However, if the deserters should be found to have committed any crime or offense, their surrender may be delayed until the tribunal before which their case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

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#### 1468. ARTICLE XII.

If any ships of war or other vessels be wrecked on the coasts of the States or territories of either of the contracting parties, such ships or vessels, or any parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored, with the least possible delay, to the proprietors, upon being claimed by them or by their duly authorized factors; and if there are no such proprietors or factors on the spot, then the said goods and merchandise, or the proceeds thereof, as well as all the papers found on board such wrecked ships or vessels shall be delivered to the American or Hawaiian Consul or Vice-Consul in whose district the wreck may have taken place; and such Consul, Vice-Consul, proprietors, or factors, shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage and expenses of quarantine which would have been payable in the like case of a wreck of a national vessel; and the goods and merchandise saved from the wreck shall not be subject to duties unless entered for consumption, it being understood that in case of any legal claim upon such wreck, goods, or merchandise, the same shall be referred for decision to the competent tribunals of the country.

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## HAYTI.

*Treaty concluded November 3, 1864 (Amity, Commerce, Navigation, and Extradition).*

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## 1469. ARTICLE XXXIII.

To protect more effectually the commerce and navigation of their respective citizens, the United States of America and the Republic of Hayti agree to admit and receive, mutually, Consuls and Vice-Consuls in all their ports open to foreign commerce, who shall enjoy, within their respective Consular Districts, all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation.

## 1470. ARTICLE XXXIV.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before exercising their official functions, exhibit, to the Government to which they are accredited, their commissions or patents in due form; and, having obtained their exequatur, they shall be acknowledged, in their official character, by the authorities, magistrates, and inhabitants in the Consular District in which they reside.

## 1471. ARTICLE XXXV.

It is also agreed that the Consuls, their Secretaries, Officers, and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all kinds of imposts, taxes, and contributions, except those which they shall be obliged to pay on account of their commerce or property, to which the citizens or inhabitants, native or foreign, of the country in which they reside are subject; being, in everything besides, subject to the laws of the respective States. The archives and papers of the Consulates shall be respected inviolably, and under no pretext whatever shall any person, magistrate, or other public authority, seize or in any way interfere with them.

## 1472. ARTICLE XXXVI.

The said Consuls and Vice-Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and

custody of deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand such deserters, proving, by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed a part of the crews; and, on this claim being substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the Consuls and Vice-Consuls, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months, to be counted from the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause.

## 1473. ARTICLE XXXVII.

For the purpose of more effectually protecting their commerce and navigation the two contracting parties do hereby agree, as soon hereafter as circumstances will permit, to form a Consular Convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

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**HONDURAS.**

*Treaty concluded July 4, 1864 (Friendship, Commerce, and Navigation).*

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## 1474. ARTICLE VIII.

In whatever relates to the police of the ports, the lading and unlading of ships, the safety of the merchandise, goods, and effects, the succession to personal estates by will or otherwise, and the disposal of personal property of every sort and denomination, by sale, donation, exchange, testament, or in any other manner whatsoever, as also the administration of justice, the citizens of the two high contracting parties shall reciprocally enjoy the same privileges, liberties, and rights as native citizens, and they shall not be charged in any of these respects with any higher imposts or duties than those which are paid or may be paid by native citizens; submitting, of course, to the local laws and regulations of each country respectively.

If any citizen of either of the two high contracting parties shall die without will or testament in any of the territories of the other, the Consul-General or Consul or the nation to which the deceased belonged, or the representative of such Consul-General or Consul in his absence, shall have the right to nominate curators to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased, giving proper notice of such nomination to the authorities of the country.

\* \* \* \* \*

#### 1475. ARTICLE X.

It shall be free for each of the two high contracting parties to appoint Consuls for the protection of trade, to reside in any of the territories of the other party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and either of the high contracting parties may except from the residence of Consuls such particular places as they judge fit to be excepted. The Diplomatic Agents and Consuls of Honduras shall enjoy in the territories of the United States whatever privileges, exemptions, and immunities are or shall be granted to agents of the same rank belonging to the most favored nation; and in like manner the Diplomatic Agents and Consuls of the United States in the territories of Honduras shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities are or may be granted in the Republic of Honduras to the Diplomatic Agents and Consuls of the most favored nation.

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### ITALY.

*Treaty concluded May 8, 1878 (Rights, Privileges, and Immunities of Consular Officers).*

#### 1476. ARTICLE I.

Each of the high contracting parties pledges itself to admit the Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the other in all its ports, places, and cities, with the exception of those in which it may not be deemed proper to recognize such functionaries.

This reservation, however, shall not be applied to one of the high contracting parties without being applied in like manner to all the other Powers.

## 1477. ARTICLE II.

Consular Officers shall receive, after presenting their commissions, and according to the formalities established in the respective countries, the exequatur required for the exercise of their functions, which shall be furnished to them free of cost; and on presentation of this document they shall be admitted by all the authorities of their place of residence to the enjoyment of the rights, prerogatives, and immunities, granted them by this convention.

## 1478. ARTICLE III.

Consular Officers, citizens of the State by which they were appointed, shall be exempt from arrest or imprisonment in civil cases and from preliminary arrest in penal cases, except in the case of offenses which the local law qualifies as crimes and punishes as such, and they shall be exempt from military billetings, and from the performance of service in the army, in the militia, or national guard, and in the navy.

The aforesaid Consular Officers shall be exempt from all national, State, or municipal taxes imposed upon persons, either in the nature of capitation tax or in respect to their property, unless such taxes become due on account of the possession of real estate or for interest on capital invested in the State in which they reside. If they are engaged in trade, manufactures, or commerce, they shall not enjoy such exemption, but shall be obliged to pay the same taxes as are paid by other foreigners under similar circumstances.

## 1479. ARTICLE IV.

Consular Officers, citizens of the State which appointed them, and who are not engaged in trade, professional business, or any kind of manufactures, shall not be obliged to appear as witnesses before the courts of the country in which they reside. If their testimony should be necessary, they shall be requested in writing to appear in court, and in case of impediment their written deposition shall be requested, or it shall be received *viva voce* at their residence or office.

It shall be the duty of the aforementioned Consular Officers to comply with such request without unnecessary delay.

In all the criminal cases contemplated by the VIth article of the amendments of the Constitution of the United States, by virtue of which the right is guaranteed to persons charged with crimes of obtaining



witnesses in their favor, Consular Officers shall be required to appear, all possible regard being paid to their dignity and to the duties of their office.

Consuls of the United States in Italy shall receive the same treatment in similar cases.

#### 1480. ARTICLE V.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents may place over the outer door of their office the arms of their nation with this inscription: *Consulate or Vice-Consulate or Consular Agency of the United States or of Italy.*

They may also hoist the flag of their country over the house in which the Consular Office is, provided they do not reside in the capital in which the legation of their country is established.

#### 1481. ARTICLE VI.

The Consular Offices shall be at all times inviolable. The local authorities shall not be allowed to enter them under any pretext, nor shall they in any case examine or sequester the papers therein deposited. These offices, however, shall never serve as places of asylum.

When the Consular Officer is engaged in trade, professional business, or manufacturers, the papers relating to the business of the Consulate must be kept separate.

#### 1482. ARTICLE VII.

In case of death, incapacity, or absence of the Consuls-General, Consuls, Vice-Consuls, and Consular Agents, their Chancellors and Secretaries, whose official character shall have been previously announced to the Department of State at Washington, or to the Ministry of Foreign Affairs in Italy, shall be permitted to discharge their functions *ad interim*, and they shall enjoy, while thus acting, the same rights, prerogatives, and immunities as the officers whose places they fill, on the condition and with the reserves prescribed for those offices.

#### 1483. ARTICLE VIII.

Vice-Consuls or Consular Agents may be appointed by the respective Governments or by the Consuls-General or Consuls, with the approval

of said Governments, in the cities, ports, and places of each Consular District. These agents may be selected from the citizens of the United States, or from Italian citizens or other foreigners, and they shall be furnished with a commission by the Government or by the Consul appointing them under whose orders they are to discharge their functions.

They shall enjoy the privileges provided in this convention for Consular Officers, subject to the exceptions and reservations provided for the same.

#### 1484. ARTICLE IX.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents may have recourse to the authorities of the respective countries within their district, whether federal or local, judicial or executive, for the purpose of complaining of any infraction of the treaties or conventions existing between the United States and Italy, as also in order to defend the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the Consular Officer aforesaid, in the absence of a Diplomatic Agent of their country, may apply directly to the Government of the country where they reside.

#### 1485. ARTICLE X.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents, and their Chancellors or Consular Clerks, shall have the right to take in their offices, at the residence of the parties, in their own dwelling, and even on board ship, the depositions of captains and crews of the vessels of their nation, of passengers on board of the same, and of any other citizen or subject of their country.

They shall also have the right to receive at their offices, conformably to the laws and regulations of their country, any contract between citizens or subjects and other inhabitants of the country in which they reside, and also any contract between these latter, provided it relates to real estate situated in the territory of the nation to which the Consular Officer belongs, or to business which is to be transacted in said country.

Copies of papers relative to such contracts and official documents of all kinds, whether originals, copies, or translations, duly authenticated by the Consuls-General, Consuls, Vice-Consuls, and Consular Agents, and sealed with the seal of office of the Consulate, shall be received as evidence in the United States and Italy.

## 1486. ARTICLE XI.

*(Substituted by treaty concluded February 24, 1881).*

The eleventh article of the Consular Convention of May 8, 1878, between the United States of America and Italy, is hereby annulled, and in its place the following article is substituted, namely:

Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall alone take cognizance of differences which may arise, either at sea or in port, between the captains, officers, and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts. In case any disorder should happen on board of vessels of either party, in the territorial waters of the other, neither the Federal, State, or municipal authorities or courts in the United States nor any court or authority in Italy, shall on any pretext interfere except when the said disorders are of such a nature as to cause, or be likely to cause, a breach of the peace or serious trouble in the port or on shore; or when, in such trouble or breach of the peace, a person or persons shall be implicated, not forming a part of the crew. In any other case, said Federal, State, or municipal authorities or courts in the United States, or courts or authority in Italy, shall not interfere, but shall render forcible aid to Consular Officers, when they may ask it, to search, arrest, and imprison all persons composing the crew whom they may deem it necessary to confine. Those persons shall be arrested at the sole request of the Consuls addressed in writing to either the Federal, State, or municipal courts or authorities in the United States, or to any court or authority in Italy, and supported by an official extract from the register of the ship or the list of the crew, and the prisoners shall be held, during the whole time of their stay, in the port at the disposal of the Consular Officers. Their release shall be granted at the mere request of such officers made in writing. The expenses of the arrest and detention of those persons shall be paid by the Consular Officers.

## 1487. ARTICLE XII.

According to the act of Congress of March 5, 1855, *to regulate the carriage of passengers in steamships and other vessels*, all disputes and questions of any nature that may arise between captains and officers on the

one hand, and passengers on board of vessels on the other, shall be brought to and decided by the circuit or district courts of the United States, to the exclusion of all other courts and authorities.

#### 1488. ARTICLE XIII.

The respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents may arrest the officers, seamen, and any other person forming part of the crew of the merchant and war vessels of their nation who have been guilty of or charged with deserting from said vessels, in order to return them to their vessels, or to send them back to their country.

To this effect the Consular Officers of Italy in the United States may apply in writing to either the courts or the Federal, State, or municipal authorities of the United States, and the Consular Officers of the United States may apply to any of the competent authorities in Italy, and make a demand for the deserters, showing by exhibiting the register of the vessel and the crew-list, or other official documents, that the persons claimed really belonged to said crew. Upon such request alone, thus supported, and without the exaction of any oath from the Consular Officers, the deserters not being citizens or subjects of the country in which the demand is made at the time of their shipment shall be given up.

All assistance and necessary aid, moreover, shall be furnished for the search and arrest of said deserters, who shall be placed in the prisons of the country, and kept there at the request and at the expense of the Consular Officer until he finds an opportunity to send them home.

If, however, such an opportunity shall not present itself within the space of three months, counting from the day of the arrest, the deserter shall be set at liberty, nor shall he be again imprisoned for the same cause.

#### 1489. ARTICLE XIV.

In the absence of an agreement to the contrary, between the owners, freighters, and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter the respective ports voluntarily or are forced by stress of weather or other causes over which the officers have no control, shall be settled by the Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the country in which they respectively reside; in case, however, any citizen of the country in which said Consular Officers reside, or subjects of a third power, should be interested

in these damages, and the parties cannot come to an amicable agreement, the competent local authorities shall decide.

## 490 . ARTICLE XV.

All operations relative to the salvage of the United States vessels wrecked upon the coasts of Italy, and of Italian vessels upon the coasts of the United States, shall be directed by the respective Consuls-General, Consuls, and Vice-Consuls of the two countries, and until their arrival by the respective Consular Agents, where Consular Agencies exist.

In places and ports where there is no such agency, the local authorities shall give immediate notice of the shipwreck to the Consul of the district in which the disaster has taken place, and until the arrival of the said Consul they shall take all necessary measures for the protection of persons and the preservation of property.

The local authorities shall intervene only to preserve order, and to protect the interests of the salvors, if they do not belong to the crew of the wrecked vessel, and to secure the execution of the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom-house charges, unless it be intended for consumption in the country in which the wreck took place.

## 1491. ARTICLE XVI.

In case of the death of a citizen of the United States in Italy, or of an Italian citizen in the United States, who has no known heir, or testamentary executor designated by him, the competent local authorities shall give notice of the fact to the Consuls or Consular Agents of the nation to which the deceased belongs, to the end that information may be at once transmitted to the parties interested.

## 1492. ARTICLE XVII.

The respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents, as likewise the Consular Chancellors, Secretaries, Clerks, or Attachés, shall enjoy, in both countries, all the rights, prerogatives, immunities, and privileges which are or may hereafter be granted to the officers of the same grade of the most favored nation.

## JAPAN.

*Treaty concluded March 31, 1854 (Peace and Amity).*

\* \* \* \* \*

## 1493. ARTICLE XI.

There shall be appointed by the Government of the United States, Consuls or Agents to reside in Simoda, at any time after the expiration of eighteen months from the date of the signing of this treaty: *Provided*, That either of the two Governments deem such arrangement necessary.

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*Treaty concluded June 17, 1857 (Intercourse).*

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## 1494. ARTICLE II.

It being known that American ships coming to the ports of Simoda and Hakodadi cannot have their wants supplied by the Japanese, it is agreed that American citizens may permanently reside at Simoda and Hakodadi, and the Government of the United States may appoint a Vice-Consul to reside at Hakodadi.

This article to go into effect on the fourth day of July, eighteen hundred fifty-eight.

\* \* \* \* \*

## 1495. ARTICLE IV.

Americans committing offenses in Japan shall be tried by the American Consul-General or Consul, and shall be punished according to American laws.

Japanese committing offenses against Americans shall be tried by the Japanese authorities, and punished according to Japanese laws.

\* \* \* \* \*

## 1496. ARTICLE VI.

The Government of Japan admits the right of his excellency the Consul-General of the United States to go beyond the limits of seven ri, but has asked him to delay the use of that right, except in cases of emergency, shipwreck, &c., to which he has assented.

## 1497. ARTICLE VII.

Purchases for his excellency the Consul-General, or his family, may be made by him only, or by some member of his family, and payment made to the seller for the same without the intervention of any Japanese official, and for this purpose Japanese silver and copper coin shall be supplied to his excellency the Consul-General.

\* \* \* \* \*

*Treaty concluded July 29, 1858 (Peace and Friendship).*

## 1498. ARTICLE I.

There shall henceforward be perpetual peace and friendship between the United States of America and his Majesty the Tycoon of Japan and his successors.

The President of the United States may appoint a Diplomatic Agent to reside at the city of Yedo, and Consuls or Consular Agents to reside at any or all of the ports in Japan which are opened for American commerce by this treaty. The Diplomatic Agent and Consul-General of the United States shall have the right to travel freely in any part of the Empire of Japan from the time they enter on the discharge of their official duties.

The Government of Japan may appoint a Diplomatic Agent to reside at Washington, and Consuls or Consular Agents for any or all of the ports of the United States. The Diplomatic Agent and Consul-General of Japan may travel freely in any part of the United States from the time they arrive in the country.

## 1499. ARTICLE II.

The President of the United States, at the request of the Japanese Government, will act as a friendly mediator in such matters of difference as may arise between the Government of Japan and any European power.

The ships of war of the United States shall render friendly aid and assistance to such Japanese vessels as they may meet on the high seas, so far as can be done without a breach of neutrality; and all American Consuls residing at ports visited by Japanese vessels shall also give them such friendly aid as may be permitted by the laws of the respective countries in which they reside.

## 1500. ARTICLE III.

In addition to the ports of Simoda and Hakodadi, the following ports and towns shall be opened on the dates respectively appended to them, that is to say: Kanagawa on the (4th of July, 1859) fourth day of July, one thousand eight hundred and fifty-nine; Nagasaki on the (4th of July, 1859) fourth day of July, one thousand eight hundred and fifty-nine; Nee-e-gata on the (1st of January, 1860) first day of January, one thousand eight hundred and sixty; Hiogo on the (1st of January, 1863) first day of January, one thousand eight hundred and sixty-three. .

If Nee-e-gata is found to be unsuitable as a harbor, another port on the west coast of Nipon shall be selected by the two Governments in lieu thereof. Six months after the opening of Kanagawa the port of Simoda shall be closed as a place of residence and trade for American citizens. In all the foregoing ports and towns American citizens may permanently reside; they shall have the right to lease ground, and purchase the buildings thereon, and may erect dwellings and warehouses. But no fortification or place of military strength shall be erected under pretense of building dwellings or warehouses; and to see that this article is observed, the Japanese authorities shall have the right to inspect, from time to time, any buildings which are being erected, altered, or repaired. The place which the Americans shall occupy for their buildings, and the harbor regulations, shall be arranged by the American Consul and the authorities of each place, and, if they cannot agree, the matter shall be referred to and settled by the American Diplomatic Agent and the Japanese Government.

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## ARTICLE VI.

Americans committing offenses against Japanese shall be tried in American Consular Courts, and when guilty shall be punished according to American law. Japanese committing offenses against Americans shall be tried by the Japanese authorities and punished according to Japanese law. The Consular Courts shall be open to Japanese creditors, to enable them to recover their just claims against American citizens, and the Japanese Courts shall in like manner be open to American citizens for the recovery of their just claims against Japanese.

All claims for forfeitures or penalties for violations of this treaty, or of the articles regulating trade which are appended hereunto, shall be



sued for in the Consular Courts, and all recoveries shall be delivered to the Japanese authorities.

Neither the American nor Japanese Governments are to be held responsible for the payment of any debts contracted by their respective citizens or subjects.

## 1502. ARTICLE VII.

In the opened harbors of Japan Americans shall be free to go where they please, within the following limits:

At Kanagawa, the River Logo (which empties into the Bay of Yedo between Kawasaki and Sinagawa), and (10) ten ri in another direction.

At Hakodadi (10) ten ri in any direction.

At Hiogo (10) ten ri in any direction, that of Kioto excepted, which city shall not be approached nearer than (10) ten ri. The crews of vessels resorting to Hiogo shall not cross the River Enagawa, which empties into the bay between Hiogo and Osaca. The distances shall be measured inland from Goyoso, or town hall of each of the foregoing harbors, the ri being equal to (4,275) four thousand two hundred and seventy-five yards, American measure.

At Nagasaki Americans may go into any part of the imperial domain in its vicinity. The boundaries of Nee-e-gata, or the place that may be substituted for it, shall be settled by the American Diplomatic Agent and the Government of Japan. Americans who have been convicted of felony, or twice convicted of misdemeanors, shall not go more than (1) one Japanese ri inland from the places of their respective residences, and all persons so convicted shall lose their right of permanent residence in Japan, and the Japanese authorities may require them to leave the country.

A reasonable time shall be allowed to all such persons to settle their affairs, and the American Consular authority shall, after an examination into the circumstances of each case, determine the time to be allowed, but such time shall not in any case exceed one year, to be calculated from the time the person shall be free to attend to his affairs.

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## 1503. ARTICLE IX.

When requested by the American Consul, the Japanese authorities will cause the arrest of all deserters and fugitives from justice, receive in jail all persons held as prisoners by the Consul, and give to the Consul

such assistance as may be required to enable him to enforce the observance of the laws by the Americans who are on land, and to maintain order among the shipping. For all such service, and for the support of prisoners kept in confinement, the Consul shall, in all cases, pay a just compensation.

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#### 1504. ARTICLE XI.

The articles for the regulation of trade, which are appended to this treaty, shall be considered as forming a part of the same, and shall be equally binding on both the contracting parties to this treaty, and on their citizens and subjects.

#### 1505. ARTICLE XII.

Such of the provisions of the treaty made by Commodore Perry, and signed at Kanagawa, on the 31st of March, 1854, as conflict with the provisions of this treaty are hereby revoked; and as all the provisions of a convention executed by the Consul-General of the United States and the governors of Simoda on the 17th of June, 1857, are incorporated in this treaty, that convention is also revoked.

The person charged with the diplomatic relations of the United States in Japan, in conjunction with such person or persons as may be appointed for that purpose by the Japanese Government, shall have power to make such rules and regulations as may be required to carry into full and complete effect the provisions of this treaty, and the provisions of the articles regulating trade appended thereunto.

*Regulations under which American trade is to be conducted in Japan.*

#### 1506. REGULATION FIRST.

Within forty-eight (48) hours (Sundays excepted) after the arrival of an American ship in a Japanese port, the captain or commander shall exhibit to the Japanese custom-house authorities the receipt of the American Consul, showing that he has deposited the ship's register and other papers, as required by the laws of the United States, at the American Consulate, and he shall then make an entry of his ship, by giving a written paper, stating the name of the ship, and the name of the port from which she comes, her tonnage, the name of her captain or commander, the names of her passengers (if any), and the number of

her crew, which papers shall be certified by the captain or commander to be a true statement, and shall be signed by him; he shall, at the same time, deposit a written manifest of his cargo, setting forth the marks and numbers of the packages and their contents, as they are described in his bill of lading, with the names of the person or persons to whom they are consigned. A list of the stores of the ship shall be added to the manifest. The captain or commander shall certify the manifest to be a true account of all the cargo and stores on board the ship, and shall sign his name to the same. If any error is discovered in the manifest, it may be corrected within twenty-four (24) hours (Sunday excepted) without the payment of any fee; but for any alteration or post entry to the manifest made after that time, a fee of fifteen dollars (§15) shall be paid. All goods not entered on the manifest shall pay double duties on being landed. Any captain or commander that shall neglect to enter his vessel at the Japanese custom-house within the time prescribed by this regulation shall pay a penalty of sixty dollars (§60) for each day that he shall so neglect to enter his ship.

#### 1507. REGULATION SECOND.

The Japanese Government shall have the right to place custom-house officers on board of any ship in their ports (men-of-war excepted). All custom-house officers shall be treated with civility, and such reasonable accommodation shall be allotted to them as the ship affords. No goods shall be unladen from any ship between the hours of sunset and sunrise, except by special permission of the custom-house authorities, and the hatches, and all other places of entrance into that part of the ship where the cargo is stowed, may be secured by Japanese officers, between the hours of sunset and sunrise, by affixing seals, locks, or other fastenings; and if any person shall, without due permission, open any entrance that has been so secured, or shall break or remove any seal, lock, or other fastening that has been affixed by the Japanese custom-house officers, every person so offending shall pay a fine of (60) sixty dollars for each offense. Any goods that shall be discharged or attempted to be discharged from any ship without having been duly entered at the Japanese custom-house, as hereinafter provided, shall be liable to seizure and confiscation.

Packages of goods made up with an attempt to defraud the revenue of Japan, by concealing therein articles of value which are not set forth in the invoice, shall be forfeited.

American ships that shall smuggle, or attempt to smuggle, goods in

any of the non-opened harbors of Japan, all such goods shall be forfeited to the Japanese Government, and the ship shall pay a fine of (1,000) one thousand dollars for each offense. Vessels needing repairs may land their cargo for that purpose without the payment of duty. All goods so landed shall remain in charge of the Japanese authorities, and all just charges for storage, labor, and supervision shall be paid thereon. But if any portion of such cargo be sold, the regular duties shall be paid on the portion so disposed of. Cargo may be transhipped to another vessel in the same harbor without the payment of duty; but all transshipments shall be made under the supervision of Japanese officers, and after satisfactory proof has been given to the custom-house authorities of the *bona fide* nature of the transaction, and also under a permit to be granted for that purpose by such authorities. The importation of opium being prohibited, if any person or persons shall smuggle, or attempt to smuggle, any opium, he or they shall pay a fine of (15) fifteen dollars for each catty of opium so smuggled or attempted to be smuggled; and if more than one person shall be engaged in the offense, they shall collectively be held responsible for the payment of the foregoing penalty.

#### 1508. REGULATION THIRD.

The owner or consignee of any goods, who desires to land them, shall make an entry of the same at the Japanese custom-house. The entry shall be in writing, and shall set forth the name of the person making the entry, and the name of the ship in which the goods were imported, and the marks, numbers, packages, and the contents thereof, with the value of each package extended separately in one amount, and at the bottom of the entry shall be placed the aggregate value of all the goods contained in the entry. On each entry the owner or consignee shall certify, in writing, that the entry then presented exhibits the actual cost of the goods, and that nothing has been concealed whereby the customs of Japan would be defrauded; and the owner or consignee shall sign his name to such certificate.

The original invoice or invoices of the goods so entered shall be presented to the custom-house authorities, and shall remain in their possession until they have examined the goods contained in the entry.

The Japanese officers may examine any or all the packages so entered, and for this purpose may take them to the custom-house; but such examination shall be without expense to the importer or injury to the

goods; and after examination the Japanese shall restore the goods to their original condition in the packages (so far as may be practicable), and such examination shall be made without any unreasonable delay.

If any owner or importer discovers that his goods have been damaged on the voyage of importation, before such goods have been delivered to him, he may notify the custom-house authorities of such damage; and he may have the damaged goods appraised by two or more competent and disinterested persons, who, after due examination, shall make a certificate setting forth the amount per cent. of damage on each separate package, describing it by its mark and number, which certificates shall be signed by the appraisers, in presence of the custom-house authorities, and the importer may attach the certificate to his entry, and make a corresponding deduction from it. But this shall not prevent the custom-house authorities from appraising the goods in the manner provided in article fourth of the treaty, to which these regulations are appended.

After the duties have been paid the owner shall receive a permit authorizing the delivery to him of the goods, whether the same are at the custom-house or on ship-board. All goods intended to be exported shall be entered at the Japanese custom-house before they are placed on ship-board. The entry shall be in writing, and shall state the name of the ship by which the goods are to be exported, with the marks and numbers of the packages, and the quantity, description, and value of their contents. The exporter shall certify, in writing, that the entry is a true account of all the goods contained therein, and shall sign his name thereto. Any goods that are put on board of a ship for exportation before they have been entered at the custom-house, and all packages which contain prohibited articles, shall be forfeited to the Japanese Government.

No entry at the custom-house shall be required for supplies for the use of ships, their crews, and passengers, nor for the clothing, &c., of passengers.

#### 1509. REGULATION FOURTH.

Ships wishing to clear shall give (24) twenty-four hours' notice at the custom-house, and at the end of that time they shall be entitled to their clearance; but, if it be refused, the custom-house authorities shall immediately inform the captain or consignee of the ship of the reasons why the clearance is refused, and they shall also give the same notice to the American Consul.

Ships of war of the United States shall not be required to enter or clear at the custom-house, nor shall they be visited by Japanese custom-house or police-officers. Steamers carrying the mails of the United States may enter and clear on the same day, and they shall not be required to make a manifest, except for such passengers and goods as are to be landed in Japan. But such steamers shall, in all cases, enter and clear at the custom-house.

Whale-ships touching for supplies, or ships in distress, shall not be required to make a manifest of their cargo; but if they subsequently wish to trade, they shall then deposit a manifest, as required in regulation first.

The word ship, whenever it occurs in these regulations, or in the treaty to which they are attached, is to be held as meaning ship, barque, brig, schooner, sloop, or steamer.

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#### 1510. REGULATION FIFTH.

Any person signing a false declaration or certificate, with the intent to defraud the revenue of Japan, shall pay a fine of (125) one hundred and twenty-five dollars for each offense.

#### 1511. REGULATION SIXTH.

No tonnage duties shall be levied on American ships in the ports of Japan, but the following fees shall be paid to the Japanese custom-house authorities: For the entry of a ship, (15) fifteen dollars; for the clearance of a ship, (7) seven dollars; for each permit, (1½) one dollar and a half; for each bill of health, (1½) one dollar and a half; for any other document, (1½) one dollar and a half.

#### 1512. REGULATION SEVENTH.

Duties shall be paid to the Japanese Government on all goods landed in the country, according to the following tariff:

*Class one.*—All articles of this class shall be free of duty.

Gold and silver, coined or uncoined.

Wearing apparel in actual use.

Household furniture and printed books not intended for sale, but the property of persons who come to reside in Japan.

*Class two.*—A duty of (5) five per cent. shall be paid on the following articles:

All articles used for the purpose of building, rigging, repairing, or fitting out of ships.

Whaling gear of all kinds.  
 Salted provisions of all kinds.  
 Bread and breadstuffs.  
 Living animals of all kinds.  
 Coals.  
 Timber for building houses.  
 Rice.  
 Paddy.  
 Steam machinery.  
 Zinc.  
 Lead.  
 Tin.  
 Raw silk.

*Class three.*—A duty of (35) thirty-five per cent. shall be paid on all intoxicating liquors, whether prepared by distillation, fermentation, or in any other manner.

*Class four.*—All goods not included in any of the preceding classes shall pay a duty of (20) twenty per cent.

All articles of Japanese production which are exported as cargo shall pay a duty of (5) five per cent., with the exception of gold and silver coin and copper in bars. (5) Five years after the opening of Kanagawa the import and export duties shall be subject to revision, if the Japanese Government desires it.

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*Treaty concluded May 17, 1880 (Shipwreck expenses).*

1513.

All expenses incurred by the Government of the United States for the rescue, clothing, maintenance, and traveling of needy shipwrecked Japanese subjects, for the recovery of the bodies of the drowned, for the medical treatment of the sick and injured, unable to pay for such treatment, and for the burial of the dead, shall be repaid to the Government of the United States by that of Japan. And a similar course of procedure to the above shall be observed by the Government of the United

States in the case of assistance being given by that of Japan to shipwrecked citizens of the United States.

But neither the Government of the United States nor that of Japan shall be responsible for the repayment of the expenses incurred in the recovery or preservation of a wrecked vessel or the property on board. All such expenses shall be a charge upon the property saved, and shall be repaid by the parties interested therein upon receiving delivery of the same.

No charge shall be made by the Government of the United States nor by that of Japan for the expenses of the Government officers, police, or local functionaries who shall proceed to the wreck, for the traveling expenses of officers escorting the shipwrecked men, nor for the expenses of official correspondence. Such expenses shall be borne by the Government of the country to which such officers, police, and local functionaries belong.

\* \* \* \* \*

*Treaty concluded November 22, 1894 (goes into effect July 16, 1899).*

1514. ARTICLE XI.

\* \* \* \* \*

If any ship-of-war or merchant-vessel of one of the High Contracting Parties should run aground or be wrecked upon the coasts of the other, the local authorities shall inform the Consul General, Consul, Vice-Consul, or Consular Agent of the district, of the occurrence, or if there be no such consular officers, they shall inform the Consul General, Consul, Vice-Consul, or Consular Agent of the nearest district.

All proceedings relative to the salvage of Japanese vessels, wrecked or cast on shore in the territorial waters of the United States, shall take place in accordance with the laws of the United States, and, reciprocally, all measures of salvage relative to vessels of the United States, wrecked or cast on shore in the territorial waters of His Majesty the Emperor of Japan, shall take place in accordance with the laws, ordinances, and regulations of Japan.

Such stranded or wrecked ship or vessel, and all parts thereof, and all furnitures and appurtenances belonging thereunto, and all goods and merchandize saved therefrom, including those which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers



found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents, when claimed by them. If such owners or agents are not on the spot, the same shall be delivered to the respective Consuls General, Consuls, Vice-Consuls, or Consular Agents upon being claimed by them within the period fixed by the laws, ordinances and regulations of the country, and such Consular officers, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the case of the wreck of a national vessel.

The goods and merchandize saved from the wreck shall be exempt from all the duties of the Customs unless cleared for consumption, in which case they shall pay the ordinary duties.

When a vessel belonging to the citizens or subjects of one of the High Contracting Parties is stranded or wrecked in the territories of the other, the respective Consuls General, Consuls, Vice-Consuls, and Consular Agents shall be authorized, in case the owner or master, or other agent of the owner, is not present, to lend their official assistance in order to afford the necessary assistance to the citizens or subjects of the respective States. The same rule shall apply in case the owner, master, or other agent is present, but requires such assistance to be given.

\* \* \* \* \*

#### 1515. ARTICLE XIII.

The Consuls General, Consuls, Vice-Consuls, and Consular Agents of each of the High Contracting Parties, residing in the territories of the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

It is understood that this stipulation shall not apply to the citizens or subjects of the country where the desertion takes place.

#### 1516. ARTICLE XIV.

The High Contracting Parties agree that, in all that concerns commerce and navigation, any privilege, favor or immunity which either High Contracting Party has actually granted, or may hereafter grant, to the Government, ships, citizens or subjects of any other State, shall be extended to the Government, ships, citizens, or subjects of the other High Contracting Party, gratuitously, if the concession in favor of that other State shall have been gratuitous, and on the same or equivalent conditions if the concession shall have been conditional; it being their

intention that the trade and navigation of each country shall be placed, in all respects, by the other upon the footing of the most favored nation.

1517. ARTICLE XV.

Each of the High Contracting Parties may appoint Consuls General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents, in all the ports, cities, and places of the other, except in those where it may not be convenient to recognize such officers.

This exception, however, shall not be made in regard to one of the High Contracting Parties without being made likewise in regard to every other Power.

The Consuls General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents may exercise all functions, and shall enjoy all privileges, exemptions, and immunities which are, or may hereafter be, granted to Consular officers of the most favored nation.

\* \* \* \* \*

1518. ARTICLE XVIII.

This Treaty shall, from the date it comes into force, be substituted in place of the Treaty of Peace and Amity concluded on the 3d day of the 3d month of the 7th year of Kayei, corresponding to the 31st day of March, 1854; the Treaty of Amity and Commerce concluded on the 19th day of the 6th month of the 5th year of Ansei, corresponding to the 29th day of July, 1858; the Tariff Convention concluded on the 13th day of the 5th month of the 2nd year of Keio, corresponding to the 25th day of June, 1866; the Convention concluded on the 25th day of the 7th month of the 11th year of Meiji, corresponding to the 25th day of July, 1878, and all Arrangements and Agreements subsidiary thereto concluded or existing between the High Contracting Parties; and from the same date such Treaties, Conventions, Arrangements and Agreements shall cease to be binding, and, in consequence, the jurisdiction then exercised by Courts of the United States in Japan and all the exceptional privileges, exemptions and immunities then enjoyed by citizens of the United States as a part of, or appurtenant to such jurisdiction, shall absolutely and without notice cease and determine, and thereafter all such jurisdiction shall be assumed and exercised by Japanese Courts.

1519. ARTICLE XIX.

This Treaty shall go into operation on the 17th day of July, 1899, and shall remain in force for the period of twelve years from that date.

Either High Contracting Party shall have the right, at any time thereafter to give notice to the other of its intention to terminate the same, and at the expiration of twelve months after such notice is given this Treaty shall wholly cease and determine.

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### KONGO FREE STATE.

*Treaty of Amity, Commerce, and Navigation, concluded at Brussels  
January 24, 1891.*

\* \* \* \* \*

#### 1520. ARTICLE V.

It will be lawful for the two High contracting Parties to appoint and establish consuls, vice-consuls, deputy-consuls, consular agents and commercial agents in the territories of the other; but none of these agents can exercise his functions before having received the necessary exequatur from the Government to which he is delegated.

The said agents of each of the two High contracting Parties shall enjoy, in the territories of the other, upon the footing of a complete reciprocity, all the privileges, immunities and rights which are actually granted to those of the most favored nation or which may be accorded to them hereafter.

The said agents, citizens or inhabitants of the State by which they are appointed, shall not be subject to preliminary arrest, except in the case of acts qualified as crimes by the local legislation and punished as such. They shall be exempt from military billeting and from service in the army, navy or militia, as well as from all direct taxes, unless these should be due on account of real estate, or unless the said agents should exercise a profession or business of any kind.

The said agents can raise their national flag over their offices.

The consular offices shall be at all times inviolable. The local authorities can not invade them under any pretext. They can not in any case examine or seize the papers which shall be there deposited. The consular office can not, on the other hand, serve as place of asylum, and if an agent of the consular service is engaged in business, commercial or other, the papers relating to the consulate shall be kept separate.

The said agents shall have the right to exercise all the functions generally appertaining to consuls, especially in what concerns the legalization of private and public documents, of invoices and commercial

contracts, the taking of depositions and the right of authenticating legal acts and documents.

The said agents shall have the right to address the administrative and judicial authorities of the country in which they exercise their functions in order to complain of any infraction of the treaties or conventions existing between the two Governments, and for the purpose of protecting the rights and interests of the citizens and inhabitants of their country. They shall have also the right to settle all differences arising between the captains or the officers and the sailors of the sea-vessels of their nation. The local authorities shall abstain from interfering in these cases unless the maintenance of the public tranquility requires it, or, unless their assistance should be asked by the consular authority in order to assure the execution of its decisions.

The local authorities will give to the said agents and, on their default to the captains or their casual representatives, all aid for the search and arrest of sailor-deserters, who shall be kept and guarded in the prisons of the State upon the requisition and at the expense of the consuls or of the captains during a maximum delay of two months.

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### KOREA, OR CHOSEN.

*Treaty concluded May 22, 1882. (Commerce, &c.)*

\* \* \* \* \*

#### 1521. ARTICLE II.

After the conclusion of this Treaty of amity and commerce, the High Contracting Powers may each appoint Diplomatic Representatives to reside at the Court of the other, and may each appoint Consular Representatives at the ports of the other, which are open to foreign commerce, at their own convenience.

These officials shall have relations with the corresponding local authorities of equal rank upon a basis of mutual equality. The Diplomatic and Consular Representatives of the two Governments shall receive mutually all the privileges, rights, and immunities, without discrimination, which are accorded to the same classes of Representatives from the most favored nation.

Consuls shall exercise their functions only on receipt of an exequatur

from the Government to which they are accredited. Consular authorities shall be *bona fide* officials. No merchant shall be permitted to exercise the duties of the office, nor shall Consular Officers be allowed to engage in trade. At ports to which no Consular Representatives have been appointed, the Consuls of other Powers may be invited to act, provided that no merchant shall be allowed to assume Consular functions, or the provisions of this treaty may, in such case, be enforced by the local authorities.

If Consular Representatives of the United States in Chosen conduct their business in an improper manner, their exequaturs may be revoked, subject to the approval, previously obtained, of the Diplomatic Representative of the United States.

## 1522. ARTICLE III.

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If a United States vessel be wrecked on the coast of Chosen, the local authorities, on being informed of the occurrence, shall immediately render assistance to the crew, provide for their present necessities, and take the measures necessary for the salvage of the ship and the preservation of her cargo. They shall also bring the matter to the knowledge of the nearest Consular Representative of the United States, in order that steps may be taken to send the crew home and to save the ship and cargo. The necessary expenses shall be defrayed either by the ship's master or by the United States.

## 1523. ARTICLE IV.

All citizens of the United States of America in Chosen, peaceably attending to their own affairs, shall receive and enjoy for themselves and everything appertaining to them, the protection of the local authorities of the Government of Chosen, who shall defend them from all insult and injury of any sort. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officers, on requisition of the Consul, shall immediately despatch a military force to disperse the rioters, apprehend the guilty individuals, and punish them with the utmost rigor of the law.

Subjects of Chosen, guilty of any criminal act towards citizens of the United States, shall be punished by the authorities of Chosen, according to the laws of Chosen; and citizens of the United States, either on shore

or in any merchant vessel, who may insult, trouble, or wound the persons, or injure the property of the people of Chosen, shall be arrested and punished only by the Consul or other public functionary of the United States, thereto authorized, according to the laws of the United States.

When controversies arise in the Kingdom of Chosen between citizens of the United States and subjects of His Majesty, which need to be examined and decided by the public officers of the two nations, it is agreed between the two Governments of the United States and Chosen, that such cases shall be tried by the proper official of the nationality of the defendant, according to the laws of that nation. The properly authorized official of the plaintiff's nationality shall be freely permitted to attend the trial, and shall be treated with the courtesy due to his position. He shall be granted all proper facilities for watching the proceedings in the interests of justice. If he so desires, he shall have the right to present, to examine, and to cross-examine witnesses. If he is dissatisfied with the proceedings, he shall be permitted to protest against them in detail.

It is however mutually agreed and understood between the high contracting powers, that whenever the King of Chosen shall have so far modified and reformed the statutes and judicial procedure of his Kingdom that, in the judgment of the United States, they conform to the laws and course of justice in the United States, the right of ex-territorial jurisdiction over United States citizens in Chosen shall be abandoned, and thereafter United States citizens, when within the limits of the Kingdom of Chosen, shall be subject to the jurisdiction of the native authorities.

\* \* \* \* \*

#### 1524. ARTICLE X.

The officers and people of either nation residing in the other shall have the right to employ natives for all kinds of lawful work.

Should, however, subjects of Chosen, guilty of violation of the laws of the Kingdom, or against whom any action has been brought, conceal themselves in the residences or warehouses of United States citizens, or on board United States merchant vessels, the consular authorities of the United States, on being notified of the fact by the local authorities, will either permit the latter to dispatch constables to make the arrests, or the persons will be arrested by the consular authorities and handed over to the local constables.

Officials or citizens of the United States shall not harbor such persons.

**LIBERIA.**

*Treaty concluded October 21, 1862 (Commerce and Navigation).*

\* \* \* \* \*

**1525. ARTICLE VII.**

Each contracting party may appoint Consuls for the protection of trade to reside in the dominions of the other; but no such Consul shall enter upon the exercise of his functions until he shall have been approved and admitted, in the usual form, by the Government of the country to which he is sent.

\* \* \* \* \*

**LUBECK.**

(See HANSEATIC REPUBLICS.)

**MADAGASCAR.**

*Treaty concluded May 13, 1881 (Friendship and Commerce).*

(See TREATY VOLUME, title MADAGASCAR.)

**MASKAT.**

*Treaty concluded September 21, 1833 (Amity and Commerce; applies also to Zanzibar, which see).*

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**1526. ARTICLE V.**

If any vessel of the United States shall suffer shipwreck on any part of the Sultan's dominions, the persons escaping from the wreck shall be taken care of and hospitably entertained, at the expense of the Sultan, until they shall find an opportunity to be returned to their country (for the Sultan can never receive any remuneration whatever for rendering

succor to the distressed); and the property saved from such wreck shall be carefully preserved and delivered to the owner, or the Consul of the United States, or to any authorized agent.

## 1527. ARTICLE VI.

The citizens of the United States resorting to the ports of the Sultan for the purpose of trade shall have leave to land and reside in the said ports without paying any tax or imposition whatever for such liberty other than the general duties on imports which the most favored nation shall pay.

## 1528. ARTICLE VII.

If any citizens of the United States, or their vessels or other property, shall be taken by pirates and brought within the dominions of the Sultan, the persons shall be set at liberty and the property restored to the owner, if he is present, or to the American Consul, or to any authorized agent.

\* \* \* \* \*

## 1529. ARTICLE IX.

The President of the United States may appoint Consuls to reside in the ports of the Sultan where the principal commerce shall be carried on, which Consuls shall be the exclusive judges of all disputes or suits wherein American citizens shall be engaged with each other. They shall have power to receive the property of any American citizen dying within the Kingdom, and to send the same to his heirs, first paying all his debts due to the subjects of the Sultan. The said Consuls shall not be arrested, nor shall their property be seized, nor shall any of their household be arrested, but their persons and property and their houses shall be inviolate. Should any Consul, however, commit any offense against the laws of the Kingdom, complaint shall be made to the President, who will immediately displace him.

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**MEXICO.**

*Treaty concluded April 5, 1831 (Amity, Commerce, and Navigation).*

[This treaty was terminated November 30, 1881, by notice given by Mexico, November 30, 1880.]

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## 1530. ARTICLE XXVIII.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to



them by their character, they shall, before entering upon the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants of the Consular District in which they reside. It is agreed likewise to receive and admit Consuls and Vice-Consuls in all the ports and places open to foreign commerce, who shall enjoy therein all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation, each of the contracting parties remaining at liberty to except those ports and places in which the admission and residence of such Consuls and Vice-Consuls may not seem expedient.

1531. ARTICLE XXIX.

It is likewise agreed that the Consuls, Vice-Consuls, their Secretaries, Officers, and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all compulsory public service, and also from all kinds of taxes, imposts, and contributions levied specially on them, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject; being in everything besides subject to the laws of their respective States. The archives and papers of the Consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize, or in any way interfere with them.

1532. ARTICLE XXX.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country; and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving, by an exhibition of the register of the vessel, or ship's roll, or other public documents, that the man or men demanded were part of said crews; and on this demand so proved (saving always where the contrary is proved), the delivery shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said Consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the vessels to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

## 1533. ARTICLE XXXI.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit, to form a Consular Convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

\* \* \* \* \*

## MOROCCO.

*Treaty concluded September 16, 1836 (Peace and Friendship).*

\* \* \* \* \*

## 1534. ARTICLE XX.

If any of the citizens of the United States, or any persons under their protection, shall have any dispute with each other, the Consul shall decide between the parties; and whenever the Consul shall require any aid or assistance from our Government to enforce his decisions, it shall be immediately granted to him.

## 1535. ARTICLE XXI.

If a citizen of the United States should kill or wound a Moor, or, on the contrary, if a Moor shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; and if any delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatever.

## 1536. ARTICLE XXII.

If an American citizen shall die in our country, and no will shall appear, the Consul shall take possession of his effects; and if there shall be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them; but if the heir to the person deceased be present, the property shall be delivered to him without interruption; and if a will shall appear, the property shall descend agreeably to that will, as soon as the Consul shall declare the validity thereof.

## 1537. ARTICLE XXIII.

The Consuls of the United States of America shall reside in any seaport of our dominions that they shall think proper, and they shall be respected, and enjoy all the privileges which the Consuls of any other nation enjoy; and if any of the citizens of the United States shall contract any debts or engagements, the Consul shall not be in any manner accountable for them, unless he shall have given a promise, in writing, for the payment or fulfilling thereof; without which promise, in writing, no application to him for any redress shall be made.

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*Convention between the United States and other powers, for the establishment of the right of protection in Morocco, concluded July 3, 1880.*

## 1538. ARTICLE I.

The conditions under which protection may be conceded are those established in the British and Spanish treaties with the Government of Morocco, and in the convention made between that Government, France, and other powers in 1863, with the modifications introduced by the present convention.

## 1539. ARTICLE II.

Foreign Representatives at the head of a Legation may select their interpreters and employees from among the subjects of Morocco or others.

These protected persons shall be subject to no duty, impost or tax whatever, other than those stipulated in Articles XII and XIII.

## 1540. ARTICLE III.

Consuls, Vice-Consuls, or Consular Agents having charge of a post, and residing within the territory of the Sultan of Morocco, shall be allowed to select but one interpreter, one soldier, and two servants from among the subjects of the Sultan, unless they may require a native secretary.

These protected persons shall, in like manner, be subject to no duty, impost or tax whatever, other than those stipulated in Articles XII and XIII.

## 1541. ARTICLE IV.

If a Representative shall appoint a subject of the Sultan to the Office of Consular Agent in a town on the coast, such agent shall be respected and honored, as shall the members of his family occupying the same dwelling with him, and they, like him, shall be subject to no duty, impost or tax whatever, other than those stipulated in Articles XII and XIII; but he shall not have the right to protect any subjects of the Sultan other than the members of his own family.

He may, however, for the exercise of his functions, have a protected soldier.

Officers in acting charge of Vice-Consulates being subjects of the Sultan, shall, during the exercise of their functions, enjoy the same rights as Consular Agents who are subjects of the Sultan.

## 1542. ARTICLE V.

The Government of Morocco recognizes the right of Ministers, Chargés d'Affaires and other Representatives, which is granted to them by treaties, to select the persons whom they employ, either in their own service or that of their Governments, unless such persons shall be sheiks or other employees of the Government of Morocco, such as soldiers of the line or of the cavalry, in addition to the Maghaznias in command of their guard. In like manner they shall not be permitted to employ any subject of Morocco who is under prosecution.

It is understood that civil suits commenced before protection shall be terminated before the courts which have instituted such proceedings. The execution of the sentence shall suffer no hindrance. Nevertheless, the local authorities of Morocco shall take care to communicate, without delay, the sentence pronounced, to the Legation, Consulate, or Consular Agency upon which the protected person is dependent.

As to those persons formerly protected, who may have a suit which was commenced before protection was withdrawn from them, their case shall be tried by the court before which it was brought.

The right of protection shall not be exercised towards persons under prosecution for an offense or crime, before they have been tried by the authorities of the country, or before their sentence, if any has been pronounced, has been executed.

## 1543. ARTICLE VI.

Protection shall extend to the family of the person protected. His dwelling shall be respected.

It is understood that the family is to consist only of the wife, the children, and the minor relatives dwelling under the same roof.

Protection shall not be hereditary. A single exception, which was established by the convention of 1863, but which is not to create a precedent, shall be maintained in favor of the Benchimol family.

Nevertheless, if the Sultan of Morocco shall grant another exception, each of the contracting powers shall be entitled to claim a similar concession.

#### 1544. ARTICLE VII.

Foreign representatives shall inform the Sultan's Minister of Foreign Affairs, in writing, of any selections of an employee made by them.

They shall furnish annually to the said Minister a list of the names of the persons protected by them or by their Agents throughout the States of the Sultan of Morocco.

This list shall be transmitted to the local authorities, who shall consider as persons enjoying protection only those whose names are contained therein.

#### 1545. ARTICLE VIII.

Consular Officers shall transmit each year to the authorities of the district in which they reside a list, bearing their seal, of the persons protected by them. These authorities shall transmit it to the Minister of Foreign Affairs, to the end that, if it be not conformable to the regulations, the Representatives at Tangier may be informed of the fact.

A Consular Officer shall be required to give immediate information of any changes that may have taken place among the persons protected by his Consulate.

#### 1546. ARTICLE IX.

Servants, farmers, and other native employees of native secretaries and interpreters shall not enjoy protection. The same shall be the case with Moorish employees or servants of foreign subjects.

Nevertheless, the local authorities shall not arrest an employee or servant of a native officer in the service of a Legation or Consulate, or of a foreign subject or protected person, without having notified the authority upon which he is dependent.

If a subject of Morocco in the service of a foreign subject shall kill or wound any person, or violate his domicile, he shall be arrested immediately, but the Diplomatic or Consular authority under which he is shall be notified without delay.

## 1547. ARTICLE X.

Nothing is changed with regard to the situation of brokers, as established by the treaties and by the convention of 1863,\* except what is stipulated, relative to taxes, in the following articles:

## 1548. ARTICLE XI.

The right to hold property is recognized in Morocco as belonging to all foreigners.

The purchase of property must take place with the previous consent of the Government, and the title of such property shall be subject to the forms prescribed by the laws of the country.

Any question that may arise concerning this right shall be decided according to the same laws, with the privilege of appeal to the Minister of Foreign Affairs stipulated in the treaties.

## 1549. ARTICLE XII.

Foreigners and protected persons who are the owners or tenants of cultivated land, as well as brokers engaged in agriculture, shall pay the agriculture tax. They shall send to their Consul annually an exact statement of what they possess, delivering into his hands the amount of the tax.

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\* *Regulations (Translated from the French) relative to protection adopted by common consent by the Legation of France and the Government of Morocco, August 19, 1863, referred to in Article 10.*

Protection is individual and temporary.

It consequently does not in general apply to the relatives of the person protected.

It may apply to his family, that is to say, to his wife and children living under the same roof. It lasts at the longest for a person's lifetime and is never hereditary, with the single exception of the Benchimol family, which has furnished for several generations and still furnishes persons who act in the capacity of Brokers and interpreters for the post of Tangier.

Protected persons are divided into two classes.

The first class comprises natives employed by the Legation and by the various French consular officers.

The second class consists of native factors, brokers, or agents, employed by French merchants for their business affairs. It is proper here to refer to the fact that the term merchant is only applied to a person carrying on the import or export trade on a large scale, either in his own name or as the agent of others.

The number of native brokers enjoying French protection is limited to two for each commercial house.

By way of exception commercial firms having establishments in different ports may have two brokers attached to each of these establishments, who may as such enjoy French protection.

He who shall make a false statement shall be fined double the amount of the tax that he would regularly have been obliged to pay for the property not declared. In case of repeated offense this fine shall be doubled.

The nature, method, date, and apportionment of this tax shall form the subject of a special regulation between the Representatives of the Powers and the Minister of Foreign Affairs of His Shereefian Majesty.

#### 1550. ARTICLE XIII.

Foreigners, protected persons, and brokers owning beasts of burden shall pay what is called the gate-tax. The apportionment and the manner of collecting this tax, which is paid alike by foreigners and natives, shall likewise form the subject of a special regulation between the Representatives of the Powers and the Minister of Foreign Affairs of His Shereefian Majesty.

The said tax shall not be increased without a new agreement with the Representatives of the Powers.

#### 1551. ARTICLE XIV.

The mediation of interpreters, native secretaries, or soldiers of the different Legations or Consulates, when persons are concerned who are under the protection of the Legation or Consulate, shall be permitted only when they are the bearers of a document signed by the head of a mission or by the Consular authority.

#### 1552. ARTICLE XV.

Any subject of Morocco who has been naturalized in a foreign country, and who shall return to Morocco, shall after having remained for a length of time equal to that which shall have been regularly necessary for him to obtain such naturalization, choose between entire submission to the laws of the Empire and the obligation to quit Morocco, unless it shall be proved that his naturalization in a foreign country was obtained with the consent of the Government of Morocco.

Foreign naturalization heretofore acquired by subjects of Morocco according to the rules established by the laws of each country, shall be continued to them as regards all its effects, without any restriction.

#### 1553. ARTICLE XVI.

No irregular or unofficial protection shall be granted in future. The authorities of Morocco will recognize no protection, of any kind whatever, save such as is expressly provided for in this convention.

Nevertheless, the exercise of the customary right of protection shall be reserved for those cases only in which it may be desired to reward signal services rendered by a native of Morocco to a foreign power, or for other altogether exceptional reasons.

The Minister of Foreign Affairs at Tangier shall be previously informed of the nature of the services, and notified of the intention to reward them, in order that he may, if need be, present his observations thereon; yet the final decision shall be reserved for the Government to which the service shall have been rendered.

The number of persons thus protected shall not exceed twelve for each power, and this number is fixed as the maximum unless the consent of the Sultan shall be obtained.

The status of persons who have obtained protection in virtue of the custom which is henceforth to be regulated by this stipulation shall be without limitation of the number of persons belonging to this class and now so protected, the same for themselves and their families as that which is established for other protected persons.

#### 1554. ARTICLE XVII.

The right to the treatment of the most favored nation is recognized by Morocco as belonging to all the powers represented at the Madrid conference.

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#### MUSCAT.

(See MASKAT.)

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#### NETHERLANDS.

*Treaty concluded January 22, 1855 (Consular Privileges in Colonies).*

#### 1555. ARTICLE I.

Consuls-General, Consuls, and Vice-Consuls of the United States of America will be admitted into all the ports in the transmarine possessions or colonies of the Netherlands which are open to the vessels of all nations.

#### 1556. ARTICLE II.

The Consuls-General, Consuls, and Vice-Consuls of the United States of America are considered as Commercial Agents, protectors of the maritime commerce of their countrymen in the ports within the circumference of their Consular Districts.



They are subject to the laws, both civil and criminal, of the country in which they reside, with such exceptions as the present convention establishes in their favor.

## 1557. ARTICLE III.

The Consuls-General and Consuls, before being admitted to exercise their functions, and to enjoy the immunities attached thereto, must present a commission, in due form, to the Government of His Majesty the King of the Netherlands.

After having obtained the exequatur, which shall be countersigned as promptly as possible by the governor of the colony, the said Consular Agents shall be entitled to the protection of the Government, and to the assistance of the local authorities, in the free exercise of their functions.

The Government, in granting the exequatur, reserves the right of withdrawing the same, or to cause it to be withdrawn by the governor of the colony, on a statement of the reasons for doing so.

## 1558. ARTICLE IV.

The Consuls-General and Consuls are authorized to place on the outer door of their Consulates the arms of their Government, with the inscription: "Consulate of the United States of America."

It is well understood that this outward mark shall never be considered as conferring the right of asylum, nor as having the power to exempt the house and those dwelling therein from the prosecution of the local justice.

## 1559. ARTICLE V.

It is nevertheless understood that the archives and documents relating to the affairs of the Consulate shall be protected against all search, and that no authority or magistrate shall have the power, under any pretext whatever, to visit or seize them, or to examine their contents.

## 1560. ARTICLE VI.

The Consuls-General, Consuls, and Vice-Consuls shall not be invested with any diplomatic character.

When a request is to be addressed to the Netherlands Government, it must be done through the medium of the Diplomatic Agent residing at the Hague, if one be there.

The Consul may, in case of urgency, apply to the governor of the colony himself, showing the urgency of the case, and stating the reasons

why the request cannot be addressed to the subordinate authorities, or that previous applications made to such authorities have not been attended to.

#### 1561. ARTICLE VII.

Consuls-General and Consuls shall be free to establish Vice-Consuls in the ports mentioned in article one, and situated in their Consular districts.

The Vice-Consuls may be taken indiscriminately from among the subjects of the Netherlands, or from citizens of the United States, or of any other country residing or having the privilege, according to the local laws, to fix their residence in the port to which the Vice-Consul shall be named.

These Vice-Consuls, whose nominations shall be submitted to the approval of the governor of the colony, shall be provided with a certificate given to them by the Consul under whose orders they exercise their functions.

The governor of the colony may in all cases withdraw from the Vice-Consuls the aforesaid sanction, in communicating to the Consul-General or Consul of the respective district the motives for his doing so.

#### 1562. ARTICLE VIII.

Passports delivered or signed by Consuls or Consular Agents do not dispense the bearer from providing himself with all the papers required by the local laws, in order to travel or to establish himself in the colonies.

The right of the governor of the colony to prohibit the residence in, or to order the departure from, the colony of any person to whom a passport may have been delivered, remains undisturbed.

#### 1563. ARTICLE IX.

When a ship of the United States is wrecked upon the coast of the Dutch colonies, the Consul-General, Consul, or Vice-Consul who is present at the scene of the disaster, will, in case of the absence, or with the consent of the captain or supercargo, take all the necessary measures for the salvage of the vessel, the cargo, and all that appertains to it.

In the absence of the Consul-General, Consul, or Vice-Consul, the Dutch authorities of the place where the wreck has taken place will act in the premises, according to the regulations prescribed by the laws of the colony.

#### 1564. ARTICLE X.

Consuls-General, Consuls, and Vice-Consuls, may, in so far as the extradition of deserters from merchant-vessels or ships of war shall have

been stipulated by treaty, request the assistance of the local authorities for the arrest, detention, and imprisonment of deserters from vessels of the United States. To this end, they shall apply to the competent functionaries, and claim said deserters, in writing, proving by the register of the vessel, the list of the crew, or by any other authentic document, that the persons claimed belong to the crew.

The reclamation being thus supported, the local functionaries shall exercise what authority they possess, in order to cause the deserters to be delivered up.

These deserters, being arrested, shall be placed at the disposal of said Consuls, and may be confined in the public prisons at the request and at the expense of those who claim them, in order that they may be taken to the vessels to which they belong, or to other vessels of the same nation. But if they are not sent back within four months from the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause.

It is understood, however, that if the deserter be found to have committed any crime, offense, or contravention, his extradition may be delayed until the court having cognizance of the matter shall have pronounced its sentence, and the same has been carried into execution.

#### 1565. ARTICLE XI.

In case of the death of a citizen of the United States, without having any known heirs or testamentary executors, the Dutch authorities who, according to the laws of the colonies, are charged with the administration of the estate, will inform the Consuls or Consular Agents of the circumstance, in order that the necessary information may be forwarded to parties interested.

#### 1566. ARTICLE XII.

The Consuls-General, Consuls, and Vice-Consuls, have, in that capacity, in so far as the laws of the United States of America allow it, the right to be named arbiters in the differences which may arise between the masters and the crews of the vessels belonging to the United States, and this without the interference of the local authorities, unless the conduct of the crew, or of the captain, should have been such as to disturb the order and tranquility of the country, or that the Consuls-General, Consuls, or Vice-Consuls should request the assistance of the said authorities, in order to carry out their decisions or to maintain their authority.

It is understood, however, that this decision or special arbitrament is not to deprive, on their return, the parties in litigation of the right of appeal to the judiciary authorities of their own country.

## 1567. ARTICLE XIII.

The Consuls-General, Consuls, and Vice-Consuls, who are not subjects of the Netherlands, who, at the time of their appointment, are not established as residents in the Kingdom of the Netherlands or its colonies, and who do not exercise any calling, profession, or trade, besides their Consular functions, are, in so far as in the United States the same privileges are granted to the Consuls-General, Consuls, and Vice-Consuls of the Netherlands, exempt from military billetings, from personal taxation, and, moreover, from all public or municipal taxes which are considered of a personal character, so that this exemption shall never extend to custom-house duties or other taxes, whether indirect or real.

Consuls-General, Consuls, and Vice-Consuls who are not natives or recognized subjects of the Netherlands, but who may exercise conjointly with their Consular functions any profession or trade whatever, are obliged to fulfill duties and pay taxes and contributions, like all Dutch subjects and other inhabitants.

The Consuls-General, Consuls, and Vice-Consuls, subjects of the Netherlands, but to whom it has been accorded to exercise Consular functions conferred by the Government of the United States of America, are obliged to fulfill duties and pay taxes and contributions, like all Dutch subjects and other inhabitants.

## 1568. ARTICLE XIV.

The Consuls-General, Consuls, and Vice-Consuls of the United States shall enjoy all such other privileges, exemptions, and immunities in the colonies of the Netherlands as may, at any future time, be granted to the agents of the same rank of the most favored nations.

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*Treaty concluded May 23, 1878 (Rights, Privileges, and Immunities of Consular Officers not applicable to colonies).*

## 1569. ARTICLE I.

Each of the high contracting parties agrees to receive Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, and Consular Agents of

the other into all its ports, cities, and places, except in those localities where there may be some objection to admitting such officers.

This exception, however, shall not be made in regard to one of the high contracting parties, without being made likewise in regard to every other Power.

#### 1570. ARTICLE II.

The Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the two high contracting parties shall be reciprocally received and recognized on producing their commissions in the forms established in their respective countries, and the necessary exequaturs shall be delivered to them free of cost, on exhibiting which they shall enjoy the rights, prerogatives, and immunities which are granted by the present convention.

The Government granting the exequatur shall be at liberty to withdraw the same on stating the reasons for which it has thought proper so to do. Notice shall be given, on producing the commission, of the extent of the district allotted to the Consular Officer, and subsequently of the changes that may be made in this district.

#### 1571. ARTICLE III.

The respective Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, Consular Agents, Consular Pupils, and Consular Clerks of the high contracting parties, shall enjoy in the two countries all the privileges, exemptions, and immunities which are enjoyed or which may be hereafter enjoyed by the officers of the same rank of the most favored nation. Such Consular Officers being citizens or subjects of the country which has appointed them shall be exempted from military billeting and contributions, and from all military service by land or by sea, whether in the regular army, in the national or civic guard, or in the militia, and shall enjoy personal immunity from arrest or imprisonment, except for acts constituting crimes or misdemeanors by the laws of the country in which they reside. They shall, moreover, when citizens or subjects of the country which has appointed them, and provided they be not engaged in commerce or manufactures, likewise be exempt from capitation or sumptuary taxes, and from all other fiscal duties or contributive taxes of a direct or personal character; but this immunity shall not extend to customs, excise, or octroi duties, nor to taxes upon real or personal property which they may acquire or own in the country in which they exercise their functions.

Consular Officers who engage in commerce shall not plead their Consular privileges to avoid their commercial liabilities.

1572. ARTICLE IV.

If the testimony of a Consular Officer, who is a citizen or subject of the State by which he was appointed, and who is not engaged in business, is needed before the courts of either country, he shall be invited in writing to appear in court, and if unable to do so, his testimony shall be requested in writing, or be taken orally at his dwelling or office.

To obtain the testimony of such Consular Officer before the courts of the country where he may exercise his functions, the interested party in civil cases, or the accused in criminal cases, shall apply to the competent judge, who shall invite the Consular Officer, in the manner prescribed in Section I, to give his testimony.

It shall be the duty of said Consular Officer to comply with this request, without any delay which can be avoided.

Nothing in the foregoing part of this article, however, shall be construed to conflict with the provisions of the sixth article of the amendments to the Constitution of the United States, or with like provisions in the constitutions of the several States, whereby the right is secured to persons charged with crimes to obtain witnesses in their favor, and to be confronted with the witnesses against them.

1573. ARTICLE V.

Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, and Consular Agents may place above the outer door of their offices, or residences, the arms of their nation, together with a proper inscription indicative of their office. They may also display the flag of their country over their offices or dwellings, and may hoist their flag upon any vessel employed by them in port in the discharge of their duty.

1574. ARTICLE VI.

The Consular archives shall be at all times inviolable, and the local authorities shall under no pretext examine or seize the papers belonging thereto.

When a Consular Officer is engaged in business, the papers relating to the Consulate shall be kept in a separate inclosure and apart from the papers pertaining to his business.

The offices and dwellings of Consular Officers shall in no event be used as places of asylum.

## 1575. ARTICLE VII.

In the event of inability to act, absence or decease of Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, Consular Agents, their Consular Pupils and Consular Clerks, Chancellors or Secretaries, whose official character may have previously been made known to the Department of State at Washington, or to the Minister of Foreign Affairs at the Hague, shall be permitted to take charge *ad interim* of the business of the Consulate, and while thus acting, and so far as may be competent, according to Article III, if foreign citizens not engaged in commerce, shall enjoy all the rights, privileges, and immunities granted to the incumbents.

## 1576. ARTICLE VIII.

Consuls-General and Consuls may, with the approval of their respective Governments, appoint Vice-Consuls-General, Vice-Consuls, and Consular Agents in the cities, ports, and places within their Consular District. They may appoint as such, without distinction, citizens of the United States, subjects of the Netherlands, or citizens or subjects of other countries. The persons so appointed shall be furnished with a commission, and shall enjoy the privileges, rights, and immunities provided for in this Convention in favor of Consular Officers, subject to provisions and limitations as specified in Article III, and in other articles hereof.

## 1577. ARTICLE IX.

The Consuls General, Vice-Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the two high contracting parties shall have the right to address the authorities of the respective countries, national or local, judicial or executive, within the extent of their respective Consular Districts, for the purpose of complaining of any infraction of the treaties or conventions existing between the two countries, or for purposes of information, or for the protection of the rights and interests of their countrymen.

If such application shall not receive proper attention, such Consular Officers may, in the absence of the Diplomatic Agent of their country, apply directly to the Government of the country in which they reside.

## 1578. ARTICLE X.

Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, or Consular Agents of the two countries, or their Chancellors, shall have the right conformably to the laws and regulations of their country—

1. To take at their office or dwelling, at the residence of the parties, or on board of vessels of their own nation, the depositions of the captains and crews, of passengers on board of them, of merchants, or of any other persons.

2. To receive and verify certificates of births and deaths of their countrymen and of marriages between them, and all unilateral acts, wills, and bequests of their countrymen, and any and all acts of agreement entered upon between subjects or citizens of their own country, and between such subjects or citizens and the subjects or citizens or other inhabitants of the country where they reside, and also all contracts between the latter; provided such unilateral acts, acts of agreement, or contracts relate to property situated or to business to be transacted in the territory of the nation by which the said Consular Officers are appointed.

All such acts of agreement and other instruments, and also copies and translations thereof, when duly authenticated by such Consul-General, Vice-Consul-General, Consul, Vice-Consul, or Consular Agent, under his official seal, shall be received in courts of justice as legal documents or as authenticated copies, as the case may be, subject to the provisions of law on such subject, however, in the two countries.

## 1579. ARTICLE XI.

Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall have charge of the internal order on board of the merchant vessels of their nation, to the exclusion of all local authorities. They shall take cognizance of all disputes and determine all differences which may have arisen at sea, or which may arise in port, between the captains, officers, and crews, including disputes concerning wages and the execution of contracts reciprocally entered into. The courts or other authorities of either country shall on no account interfere in such disputes unless such differences on board ship be of a nature to disturb the public peace on shore or in port, or unless persons other than the officers and crew are parties thereto.

The Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall be at liberty to go, either in person or by



proxy, on board vessels of their nation admitted to entry, and to examine the officers and crews, to examine the ships' papers, to receive declarations concerning their voyage, their destination, and the incidents of the voyage; also to draw up manifests and lists of freight or other documents, to facilitate the entry and clearance of their vessels, and finally to accompany the said officers or crews before the judicial or administrative authorities of the country to assist them as their interpreters or agents.

#### 1580. ARTICLE XII.

The Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the two countries may, respectively, cause to be arrested and sent on board, or cause to be returned to their own country, such officers, seamen, or other persons forming part of the crew of ships-of-war or merchant-vessels of their nation who may have deserted in one of the ports of the other.

To this end they shall respectively address the competent national or local authorities in writing and make request for the return of the deserter, and furnish evidence by exhibiting the register, crew list, or other official documents of the vessel, or a copy or extract therefrom, duly certified, that the persons claimed belong to said ship's company. On such application being made, all assistance shall be furnished for the pursuit and arrest of such deserters, who shall even be detained and guarded in the jails of the country, pursuant to the requisition and at the expense of the Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, or Consular Agents until they find an opportunity to send the deserters home.

If, however, no such opportunity shall be had for the space of three months from the day of the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause. It is understood that persons who are subjects or citizens of the country within which the demand is made shall be exempted from these provisions.

If the deserter shall have committed any crime or offense in the country within which he is found, he shall not be placed at the disposal of the Consul until after the proper tribunal having jurisdiction in the case shall have pronounced sentence, and such sentence shall have been executed.

#### 1581. ARTICLE XIII.

Except in the case of agreement to the contrary, between the owners, freighters, and insurers, all damages suffered at sea by the vessels of

the two countries, whether they put into port voluntarily or are forced so to do by stress of weather, shall be adjusted by the Consuls-General, Vice-Consuls-General, Consuls; Vice-Consuls, and Consular Agents of the respective countries.

If, however, any inhabitants of the country, or subjects or citizens of a third nation, shall be interested in such damages, and if the parties cannot agree, recourse may be had to the competent local authorities.

#### 1582. ARTICLE XIV.

All necessary measures connected with the salvage of vessels of the United States which shall have been wrecked on the coasts of the Netherlands, with their cargoes and all that appertains to such vessels, shall be taken by the Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the United States, and reciprocally, the Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the Netherlands shall take such necessary measures in the case of the wreck of vessels of their country on the coasts of the United States.

The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if they do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved.

In the absence of and until the arrival of the Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, and Consular Agents, it shall be the duty of the local authorities to take all necessary measures for the preservation of the persons and property on board of the wrecked vessels.

It is understood that the merchandise saved is not to be subjected to any custom-houses charges, unless it be intended for consumption in the country where the wreck may have taken place.

#### 1583. ARTICLE XV.

In case of death of any citizen of the United States in the Netherlands, or of any subject of the Netherlands in the United States, without having in the country of his decease any known heirs, or testamentary executors by him appointed, or in case of minority of the heirs, there being no guardian, the competent local authorities shall at once inform the nearest Consular Officer of the nation to which the deceased belongs, of the circumstance, in order that the necessary information may be immediately forwarded to parties interested.

The said Consular Officer shall have the right to appear personally or by delegate, in all proceedings on behalf of the absent or minor heirs, or creditors, until they are duly represented.

## 1584. ARTICLE XVI.

The present convention shall not be applicable to colonies of either of the high contracting parties, and shall not take effect until the twentieth day after its promulgation in the manner prescribed by the laws of the two countries.

It shall remain in force for five years from the date of the exchange of ratifications.

In case neither of the contracting parties shall have given notice twelve months before the expiration of the said period, of its desire to terminate this convention, it shall remain in force for one year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice for its termination.

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**NEW GRANADA.**

(See COLOMBIA.)

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**NICARAGUA.**

*Treaty concluded June 21, 1867 (Friendship, Commerce, and Navigation.)*

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## 1585. ARTICLE VIII.

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If any citizen of the two high contracting parties shall die without a will or testament in any of the territories of the other, the Minister or Consul, or other Diplomatic Agent, of the nation to which the deceased belonged (or the representative of such Minister or Consul, or other Diplomatic Agent, in case of absence), shall have the right to nominate curators to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased, giving proper notice of such nomination to the authorities of the country.

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## 1586. ARTICLE X.

It shall be free for each of the two high contracting parties to appoint Consuls for the protection of trade, to reside in any of the territories of the other party. But before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and either of the high contracting parties may except from the residence of Consuls such particular places as they judge fit to be excepted.

The Diplomatic Agents of Nicaragua and Consuls shall enjoy in the territories of the United States whatever privileges, exemptions, and immunities are or shall be allowed to the agents of the same rank belonging to the most favored nations; and in the like manner the Diplomatic Agents and Consuls of the United States in Nicaragua shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities are or may be granted in the Republic of Nicaragua to the Diplomatic Agents and Consuls of the most favored nations.

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 ORANGE FREE STATE.

*Convention concluded December 22, 1871 (Friendship, Commerce, and Extradition).*

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## 1587. ARTICLE V.

The contracting parties give to each other the privilege of having, each in their respective States, Consuls and Vice-Consuls of their own appointment, who shall enjoy the same privileges as those of the most favored nation.

But before any Consul or Vice-Consul shall act as such, he shall, in the ordinary form, be approved by the Government of the country in which his functions are to be discharged.

In their private and business transactions Consuls and Vice-Consuls shall be submitted to the same laws and usages as private individuals, citizens of the place in which they reside.

It is hereby understood that in case of offense against the laws by a Consul or Vice-Consul, the Government from which [he received] his

exequatur may withdraw the same, send him away from the country, or have him punished in conformity with the laws, assigning to the other Government its reason for so doing.

The archives and papers belonging to the Consulates shall be inviolate, and under no pretext whatever shall any magistrate or other functionary inspect, seize, or in any way interfere with them.

#### 1588. ARTICLE VI.

Neither of the contracting parties shall impose any higher or other duties upon the importation, exportation, or transit of the natural or industrial products of the other than are or shall be payable upon the like articles being the produce of any other country.

#### 1589. ARTICLE VII.

Each of the contracting parties hereby engages not to grant any favor in commerce to any nation which shall not immediately be enjoyed by the other party.

#### 1590. ARTICLE VIII.

The United States of America and the Orange Free State, on requisitions made in their name through the medium of their respective Diplomatic or Consular Agents, shall deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek asylum or shall be found within the territories of the other.

*Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as to justify their apprehension and commitment for trial, if the crime had been committed in the country where the persons so accused shall be found.

#### 1591. ARTICLE IX.

Persons shall be delivered up, according to the provisions of this convention, who shall be charged with any of the following crimes, to wit: Murder (including assassination, parricide, infanticide, and poisoning), attempt to commit murder, rape, forgery, or the emission of forged papers, arson, robbery with violence, intim[id]ation or forcible entry of an inhabited house, piracy; embezzlement by public officers, or by persons hired or salaried to the detriment of their employers, when these crimes are subject to infamous punishment.

## 1592. ARTICLE X.

The surrender shall be made by executives of the contracting parties, respectively.

## 1593. ARTICLE XI.

The expense of detention and delivery effected pursuant to the preceding articles shall be at the cost of the party making the demand.

## 1594. ARTICLE XII.

The provisions of the foregoing articles relating to the surrender of fugitive criminals shall not apply to offenses committed before the date hereof, nor to those of a political character.

## 1595. ARTICLE XIII.

The present convention is concluded for the period of ten years, from the day of the exchange of the ratifications, and if one year before the expiration of that period neither of the contracting parties shall have announced, by an official notification, its intention, to the other, to arrest the operations of the said convention, it shall continue binding for twelve months longer, and so on from year to year, until the expiration of the twelve months, which will follow a similar declaration, whatever the time at which it may take place.

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 THE OTTOMAN PORTE.

*Treaty concluded May 7, 1830 (Commerce and Navigation).*

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## 1596. ARTICLE II.

The Sublime Porte may establish *Shahbenders* (Consuls) in the United States of America, and the United States may appoint their citizens to be Consuls or Vice-Consuls at the commercial places in the dominions of the Sublime Porte where it shall be found needful to superintend the affairs of commerce. These Consuls or Vice-Consuls shall be furnished with *berats* or *firmans*; they shall enjoy suitable distinction, and shall have necessary aid and protection.

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## 1597. ARTICLE IV.

If litigations and disputes should arise between subjects of the Sublime Porte and citizens of the United States, the parties shall not be heard, nor shall judgments be pronounced, unless the American Dragoon be present. Causes in which the sum may exceed five hundred piasters shall be submitted to the Sublime Porte, to be decided according to the laws of equity and justice. Citizens of the United States of America, quietly pursuing their commerce, and not being charged or convicted of any crime or offense, shall not be molested; and even when they may have committed some offense they shall not be arrested and put in prison by the local authorities, but they shall be tried by their Minister or Consul, and punished according to their offense, following, in this respect, the usage observed towards other Franks.<sup>1</sup>

## 1593. ARTICLE V.

American merchant-vessels that trade to the dominions of the Sublime Porte may go and come in perfect safety with their own flag; but they shall not take the flag of any other power, nor shall they grant their flag to the vessels of other nations and powers, nor to the vessels of rayahs. The Ministers, Consuls, and Vice-Consuls of the United States shall not protect, secretly or publicly, the rayahs of the Sublime Porte, and they shall never suffer a departure from the principles here laid down and agreed to by mutual consent.

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## 1599. ARTICLE IX.

If any merchant-vessel of either the contracting parties should be wrecked, assistance and protection shall be afforded to those of the crew that may be saved, and the merchandise and effects which it may be possible to save and recover shall be conveyed to the Consul nearest to the place of the wreck, to be by him delivered to the proprietors.

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*Protocol concluded August 11, 1874 (Right of Foreigners to hold real estate in the Ottoman Empire).*

## 1600. PROTOCOL.

The law granting foreigners the right of holding real estate does not interfere with the immunities specified by the treaties, and which will

<sup>1</sup> See on the interpretation of this article United States Treaties (1887), pp. 1368 and following.

continue to protect the person and the movable property of foreigners who may become owners of real estate.

As the exercise of this right of possessing real property may induce foreigners to establish themselves in larger numbers in the Ottoman Empire, the Imperial Government thinks it proper to anticipate and to prevent the difficulties to which the application of this law may give rise in certain localities. Such is the object of the arrangements which follow.

The domicile of any person residing upon the Ottoman soil being inviolable, and as no one can enter it without the consent of the owner, except by virtue of orders emanating from competent authority and with the assistance of the magistrate or functionary invested with the necessary powers, the residence of foreigners is inviolable on the same principle, in conformity with the treaties, and the agents of the public force cannot enter it without the assistance of the Consul or of the delegate of the Consul of the power on which the foreigner depends.

By residence we understand the house of inhabitation and its dependencies; that is to say, the out-houses, courts, gardens, and neighboring inclosures, to the exclusion of all other parts of the property.

In the localities distant by less than nine hours' journey from the Consular residence, the agents of the public force cannot enter the residence of a foreigner without the assistance of a Consul, as was before said.

On his part the Consul is bound to give his immediate assistance to the local authority, so as not to let six hours elapse between the moment which he may be informed and the moment of his departure, or the departure of his delegate, so that the action of the authorities may never be suspended more than twenty-four hours.

In the localities distant by nine hours or more than nine hours of travel from the residence of the Consular Agent, the agents of the public force may, on the request of the local authority, and with the assistance of three members of the Council of the Elders of the Commune, enter into the residence of a foreigner, without being assisted by the Consular Agent, but only in case of urgency, and for the search and the proof of the crime of murder, of attempted murder, of incendiarism, of armed robbery either with infraction or by night in an inhabited house, of armed rebellion, and of the fabrication of counterfeit money, and this entry may be made whether the crime was committed by a foreigner or by an Ottoman subject, and whether it took place in the residence of a foreigner or not in his residence, or in any other place.



These Regulations are not applicable but to the parts of the real estate which constitute the residence, as it has been heretofore defined.

Beyond the residence, the action of the police shall be exercised freely and without reserve; but in case a person charged with crime or offense should be arrested, and the accused shall be a foreigner, the immunities attached to his person shall be observed in respect to him.

The functionary or the officer charged with the accomplishment of a domiciliary visit, in the exceptional circumstances determined before, and the members of the Council of Elders who shall assist him, will be obliged to make out a *procès-verbal* of the domiciliary visit, and to communicate it immediately to the superior authority under whose jurisdiction they are, and the latter shall transmit it to the nearest Consular Agent without delay.

A special regulation will be promulgated by the Sublime Porte to determine the mode of action of the local police in the several cases provided heretofore.

In localities more distant than nine hours' travel from the residence of the Consular Agent, in which the law of the judicial organization of the Velayet may be in force, foreigners shall be tried, without the assistance of the Consular Delegate, by the Council of Elders, fulfilling the function of justices of the peace, and by the tribunal of the canton, as well for actions not exceeding one thousand piasters as for offenses entailing a fine of five hundred piasters only at the maximum.

Foreigners shall have, in any case, the right of appeal to the tribunal of the arrondissement against the judgments issued, as above stated, and the appeal shall be followed and judged with the assistance of the Consul, in conformity with the treaties.

The appeal shall always suspend the execution of a sentence.

In all cases the forcible execution of the judgments, issued on the conditions determined heretofore shall not take place without the co-operation of the Consul or of his Delegate.

The Imperial Government will enact a law which shall determine the rules of procedure to be observed by the parties in the application of the preceding regulations.

Foreigners, in whatever locality they may be, may freely submit themselves to the jurisdiction of the Council of Elders or of the tribunal of the canton without the assistance of the Consul in cases which do not exceed the competency of these councils or tribunals, reserving always the right of appeal before the tribunal of the arrondissement, where the

case may be brought and tried with the assistance of the Consul or his Delegate.

The consent of a foreigner to be tried, as above stated, without the assistance of his Consul, shall always be given in writing and in advance of all procedure.

It is well understood that all these restrictions do not concern cases which have for their object questions of real estate, which shall be tried and determined under the conditions established by the law.

The right of defense and the publicity of the hearings shall be assured in all cases to foreigners who may appear before the Ottoman tribunals, as well as to Ottoman subjects.

The preceding dispositions shall remain in force until the revision of the ancient treaties, a revision which the Sublime Porte reserves to itself the right to bring about hereafter by an understanding between it and the friendly powers.

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### PARAGUAY.

*Treaty concluded February 4, 1859 (Friendship, Commerce, and Navigation).*

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#### 1601. ARTICLE X.

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In the event of any citizen of either of the two contracting parties dying without will or testament in the territory of the other contracting party, the Consul-General, Consul, or Vice-Consul of the nation to which the deceased may belong, or, in his absence, the representative of such Consul-General, Consul, or Vice-Consul, shall, so far as the laws of each country will permit, take charge of the property which the deceased may have left, for the benefit of his lawful heirs and creditors, until an executor or administrator be named by the said Consul-General, Consul, or Vice-Consul, or his representative.

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#### 1602. ARTICLE XII.

It shall be free for each of the two contracting parties to appoint Consuls for the protection of trade, to reside in the territories of the other party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent;

and either of the two contracting parties may except from the residence of Consuls such particular places as either of them may judge fit to be excepted.

The Diplomatic Agents and Consuls of the United States of America in the territories of the Republic of Paraguay shall enjoy whatever privileges, exemptions, and immunities are or may be there granted to the Diplomatic Agents and Consuls of any other nation whatever; and, in like manner, the Diplomatic Agents and Consuls of the Republic of Paraguay in the United States of America shall enjoy whatever privileges, exemptions, and immunities are or may be there granted to agents of any other nation whatever.

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#### 1603. ARTICLE XIV.

The citizens of either of the two contracting parties residing in the territories of the other shall enjoy, in regard to their houses, persons, and properties, the protection of the Government in as full and ample a manner as native citizens.

In like manner the citizens of each contracting party shall enjoy, in the territories of the other, full liberty of conscience, and shall not be molested on account of their religious belief; and such of those citizens as may die in the territories of the other party shall be buried in the public cemeteries, or in places appointed for the purpose, with suitable decorum and respect.

The citizens of the United States of America residing within the territories of the Republic of Paraguay shall be at liberty to exercise, in private and in their own dwellings, or within the dwellings or offices of the Consuls or Vice-Consuls of the United States of America, their religious rites, services, and worship, and to assemble therein for that purpose without hinderance or molestation.

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#### PERSIA.

*Treaty concluded December 13, 1856 (Friendship and Commerce).*

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#### 1604. ARTICLE V.

All suits and disputes arising in Persia between Persian subjects and citizens of the United States shall be carried before the Persian tribunal

to which such matters are usually referred at the place where a Consul or Agent of the United States may reside, and shall be discussed and decided according to equity in the presence of an employé of the Consul or Agent of the United States.

All suits and disputes which may arise in the Empire of Persia between citizens of the United States shall be referred entirely for trial and for adjudication to the Consul or Agent of the United States residing in the province wherein such suits and disputes may have arisen, or in the province nearest to it, who shall decide them according to the laws of the United States.

All suits and disputes occurring in Persia between the citizens of the United States and the subjects of other foreign powers shall be tried and adjudicated by the intermediation of their respective Consuls or Agents.

In the United States, Persian subjects in all disputes arising between themselves, or between them and citizens of the United States or foreigners, shall be judged according to the rules adopted in the United States respecting the subjects of the most favored nation.

Persian subjects residing in the United States, and citizens of the United States residing in Persia, shall, when charged with criminal offenses, be tried and judged in Persia and the United States in the same manner as are the subjects and citizens of the most favored nation residing in either of the above-mentioned countries.

#### 1605. ARTICLE VI.

In case of a citizen or subject of either of the contracting parties dying within the territories of the other, his effects shall be delivered up integrally to the family or partners in business of the deceased; and in case he has no relations or partners, his effects in either country shall be delivered up to the Consul or Agent of the nation of which the deceased was a subject or citizen, so that he may dispose of them in accordance with the laws of his country.

#### 1606. ARTICLE VII.

For the protection of their citizens or subjects, and their commerce respectively, and in order to facilitate good and equitable relations between the citizens and subjects of the two countries, the two high contracting parties reserve the right to maintain a Diplomatic Agent at either seat of government, and to name each three Consuls in either country; those of the United States shall reside at Teheran, Bender, Bushir, and Tauris; those of Persia at Washington, New York, and New Orleans.

The Consuls of the high contracting parties shall reciprocally enjoy in the territories of the other, where their residence shall be established, the respect, privileges, and immunities granted in either country to the Consuls of the most favored nation. The Diplomatic Agent or Consuls in the United States shall not protect, secretly or publicly, the subjects of the Persian Government, and they shall never suffer a departure from the principles here laid down and agreed to by mutual consent.

And it is further understood, that if any of those Consuls shall engage in trade, they shall be subjected to the same laws and usages to which private individuals of their nation engaged in commercial pursuits in the same place are subjected.

And it is also understood by the high contracting parties that the Diplomatic and Consular Agents of the United States shall not employ a greater number of domestics than is allowed by treaty to those of Russia residing in Persia.

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**PERU.**

*Treaty of Friendship, Commerce, and Navigation, concluded at Lima,  
August 31, 1887.*

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**1607. ARTICLE XXX.**

To protect more effectually the commerce and navigation of their respective citizens, the United States of America and the Republic of Peru agree to admit and receive, mutually, consuls and vice-consuls in all their ports open to foreign commerce, who shall enjoy, within their respective consular districts, all the rights, privileges, and immunities of the consuls and vice-consuls of the most favored nation; but to enjoy the rights, prerogatives, and immunities which belong to them in virtue of their public character, the consuls and vice-consuls shall, before exercising their official functions, exhibit to the Government to which they are accredited their commissions or patents in due form, in order to receive their exequatur; after receiving which they shall be acknowledged in their official characters by the authorities, magistrates and inhabitants of the district in which they reside. The high contracting parties, nevertheless, remain at liberty to except those ports and places

where the admission and residence of consuls and vice-consuls may not seem to be convenient, provided that the refusal to admit them shall likewise extend to those of all nations.

1608. ARTICLE XXXI.

The consuls, vice-consuls, their officers and persons employed in their consulates, shall be exempt from all public service, and from all kinds of taxes, imposts, and contributions, except those which they shall be lawfully held to pay on account of their property or commerce, and to which the citizens and other inhabitants of the country in which they reside are subject, they being, in other respects, subject to the laws of the respective countries. The archives and papers of the consulates shall be inviolably respected; and no person, magistrate, or other public authority shall, under any pretext, interfere with or seize them.

1609. ARTICLE XXXII.

The consuls and vice-consuls shall have power to require the assistance of the public authorities of the country in which they reside for the arrest, detention, and custody of deserters from the vessels of war or merchant-vessels of their nation; and where the deserters claimed shall belong to a merchant-vessel, the consuls or vice-consuls must address themselves to the competent authority, and demand the deserters in writing, proving by the ship's roll or other public document that the individuals claimed are a part of the crew of the vessel from which it is alleged that they have deserted; but should the individuals claimed form a part of the crew of a vessel of war, the word of honor of a commissioned officer attached to the said vessel shall be sufficient to identify the deserters; and when the demand of the consuls or vice-consuls shall, in either case, be so proved, the delivery of the deserters shall not be refused. The said deserters, when arrested, shall be delivered to the consuls or vice-consuls, or, at the request of these, shall be put in the public prisons, and maintained at the expense of those who reclaim them, to be delivered to the vessels to which they belong or sent to others of the same nation; but if the said deserters should not be so delivered or sent within the term of two months, to be counted from the day of their arrest, they shall be set at liberty, and shall not be again apprehended for the same cause. The high contracting parties agree that it shall not be lawful for any public authority or other person within their respective dominions to harbor or protect such deserters.

## 1610. ARTICLE XXXIII.

Until the conclusion of a consular convention, which the high contracting parties agree to form as soon as may be mutually convenient, it is stipulated, that in the absence of the legal heirs or representatives the consuls or vice-consuls of either party shall be ex-officio the executors or administrators of the citizens of their nation who may die within their consular jurisdictions, and of their countrymen dying at sea whose property may be brought within their district. The said consuls or vice-consuls shall call in a justice of the peace or some other judicial authority to assist in taking an inventory of the effects and property left by the deceased, after which the said effects shall remain in the hands of the said consuls or vice-consuls, who shall be authorized to sell immediately such of the effects or property as may be of a perishable nature, and to dispose of the remainder according to the instructions of their respective Governments. And where the deceased has been engaged in commerce or other business, the consuls or vice-consuls shall hold the effects and property so remaining until the expiration of twelve calendar months, during which time the creditors, if any, of the deceased, shall have the right to present their claims and demands against the said effects and property; and all questions arising out of such claims or demands shall be decided by the laws of the country wherein the said citizens may have died. It is understood, nevertheless, that if no claim or demand shall have been made against the effects and property of an individual so deceased, the consuls or vice-consuls, at the expiration of the twelve calendar months, may close the estate and dispose of the effects and property in accordance with the instructions from their own Governments.

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**PORTUGAL.**

*Treaty concluded August 26, 1840 (Commerce and Navigation.)*

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## 1611. ARTICLE X.

The two contracting parties shall have the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Agents, and Commissaries of their own appointment, who shall enjoy the same privileges and

powers as those of the most favored nation. But, before any Consul, Vice-Consul, Agent, or Commissary shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent.

But if any such Consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted, in the same place, in respect of their commercial transactions.

And it is hereby declared that, in case of offense against the laws, such Consul, Vice-Consul, Agent, or Commissary may either be punished according to law, or be sent back, the offended Government assigning to the other reasons for the same.

The archives and papers of the Consulate shall be respected inviolably; and under no pretext whatever shall any magistrate seize or in any way interfere with them.

The Consuls, Vice-Consuls, and Commercial Agents shall have the right as such to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews, or of the captains, should disturb the order or the tranquility, or offend the laws of the country; or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported.

It is, however, understood, that this species of judgment, or arbitration, shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authorities of their country.

#### 1612. ARTICLE XI.

The said Consuls, Vice-Consuls, and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, detention, and imprisonment of the deserters from the ships of war and merchant-vessels of their country.

For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand the said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall be made without delay.



Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatsoever. But if not sent back within four months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter shall be found to have committed any crime or offense, the surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced its sentence and such sentence shall have been carried into effect.

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## ROUMANIA.

*Consular convention, concluded June 5, 1881.*

### 1613. ARTICLE I.

Each of the high contracting parties agrees to receive from the other, Consuls-General, Consuls, Vice-Consuls and Consular Agents, in all its ports, cities, and places except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the high contracting parties without also applying to every other power

### 1614. ARTICLE II.

The Consuls-General, Consuls, Vice-Consuls and Consular Agents of each of the two high contracting parties shall enjoy reciprocally, in the States of the other, all the privileges, exemptions, and immunities that are enjoyed by officers of the same rank and quality of the most favored nation. The said officers, before being admitted to the exercise of their functions and the enjoyment of the immunities thereto pertaining, shall present their commissions in the forms established in their respective countries. The Government of each of the two high contracting powers shall furnish them the necessary exequatur free of charge, and, on the exhibition of this instrument they shall be permitted to enjoy the rights, privileges, and immunities granted by this convention.

## 1615. ARTICLE III.

Consuls-General, Consuls, Vice-Consuls and Consular Agents, citizens of the State by which they are appointed, shall be exempt from preliminary arrest except in the case of offenses which the local legislation qualifies as crimes and punishes as such; they shall be exempt from military billetings, from service in the regular army or navy, in the militia, or in the national guard; they shall likewise be exempt from all direct taxes, national, state or municipal, imposed upon persons, either in the nature of capitation tax or in respect to their property, unless such taxes become due on account of the possession of real estate, or for interest on capital invested in the country where the said officers exercise their functions.

This exemption shall not, however, apply to Consuls-General, Consuls, Vice-Consuls, or Consular Agents engaged in any profession, business, or trade, but the said officers shall in such case be subject to the payment of the same taxes that would be paid by any other foreigner under the like circumstances.

It is understood that the respective Consuls, if they are merchants, shall be entirely submitted, as far as concerns preliminary arrest for commercial acts, to the legislation of the country in which they exercise their functions.

## 1616. ARTICLE IV.

When a court of one of the two countries shall desire to receive the judicial declaration or deposition of a Consul-General, Consul, Vice-Consul, or Consular Agent, who is a citizen of the State which appointed him, and who is engaged in no commercial business, it shall request him, in writing, to appear before it, and in case of his inability to do so, it shall request him to give his testimony in writing, or shall visit his residence or office to obtain it orally.

It shall be the duty of such officer to comply with this request with as little delay as possible.

In all criminal cases, contemplated by the sixth article of the amendments to the Constitution of the United States, whereby the right is secured to persons charged with crimes to obtain witnesses in their favor, the appearance in court of said Consular Officer shall be demanded, with all possible regard to the Consular dignity and to the duties of his office. A similar treatment shall also be extended to the Consuls of the United States in Roumania in the like cases.

## 1617. ARTICLE V.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents may place over the outer door of their offices the arms of their nation, with this inscription: Consulate-General, or Consulate, or Vice-Consulate, or Consular Agency of the United States, or of Roumania.

They may also raise the flag of their country on their offices, except in the capital of the country when there is a legation there. They may, in like manner, raise the flag of their country over the boat employed by them in the port for the exercise of their functions.

## 1618. ARTICLE VI.

The Consular Offices shall at all times be inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no case shall those offices be used as places of asylum. When a Consular Officer is engaged in other business, the papers relating to the Consulate shall be kept separate.

## 1619. ARTICLE VII.

In the event of the death, incapacity, or absence of Consuls-General, Consuls, Vice-Consuls, and Consular Agents, their Chancellors or Secretaries, whose official character may have previously been made known to the Department of State at Washington, or to the Ministry of Foreign Affairs in Roumania, may temporarily exercise their functions, and while thus acting they shall enjoy all the rights, prerogatives, and immunities granted to the incumbents.

## 1620. ARTICLE VIII.

Consuls-General and Consuls may, so far as the laws of their country allow, with the approbation of their respective Governments, appoint Vice-Consuls and Consular Agents in the cities, ports, and places within their Consular jurisdiction. These Agents may be selected from among citizens of the United States, Roumanians, or citizens of other countries. They shall be furnished with a regular commission, and shall enjoy the privileges stipulated for Consular Officers in this convention, subject to the exceptions specified in Articles III and IV.

## 1621. ARTICLE IX.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall have the right to address the administrative and judicial authorities,

whether in the United States, of the Union, the States, or the municipalities, or in Roumania, of the State, the district, or the commune, throughout the whole extent of their Consular jurisdiction, in order to complain of any infraction of the treaties and conventions between the United States and Roumania, and for the purpose of protecting the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the Consular Officers aforesaid, in the absence of a Diplomatic Agent of their country, may apply directly to the Government of the country where they exercise their functions.

#### 1622. ARTICLE X.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents may take at their offices, at their private residence, at the residence of the parties, or on board ship, the depositions of the captains and crews of vessels of their own country, of passengers on board of them, and of any other citizen of their nation. They may also receive at their offices, conformably to the laws and regulations of their country, all contracts between the citizens of their country and the citizens or other inhabitants of the country where they reside, and even all contracts between the latter, provided they relate to property situated or to business to be transacted in the territory of the nation to which the said Consular Officer may belong.

Such papers and official documents of every kind, whether in the original, in copies or in translation, duly authenticated and legalized by the Consuls-General, Consuls, Vice-Consuls, and Consular Agents, and sealed with their official seal, shall be received as legal documents in courts of justice throughout the United States and Roumania.

#### 1623. ARTICLE XI.

The respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall have exclusive charge of the internal order of the merchant-vessels of their nation, and shall alone take cognizance of all differences which may arise, either at sea or in port, between the captains, officers, and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts. The local authorities shall not interfere except when the disorder that has arisen is of such a nature as to disturb tranquillity and public order on shore, or in the port, or when a person of the country or not belonging to the crew shall be concerned therein.

In all other cases, the aforesaid authorities shall confine themselves to lending aid to the Consuls and Vice-Consuls or Consular Agents, if they are requested by them to do so, in causing the arrest and imprisonment of any person whose name is inscribed on the crew-list, whenever, for any cause, the said officers shall think proper.

## 1624. ARTICLE XII.

The respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents may cause to be arrested the officers, sailors, and all other persons making part of the crews, in any manner whatever, of ships of war, or merchant vessels of their nation, who may be guilty, or be accused, of having deserted said ships and vessels, for the purpose of sending them on board or back to their country. To this end they shall address the competent local authorities of the respective countries, in writing, and shall make to them a written request for the deserters, supporting it by the exhibition of the register of the vessel and list of the crew, or by other official documents, to show that the persons claimed belong to the said ship's company.

Upon such request thus supported, the delivery to them of the deserters cannot be refused, unless it should be duly proved that they were citizens of the country where their extradition is demanded at the time of their being inscribed on the crew-list. All the necessary aid and protection shall be furnished for the pursuit, seizure, and arrest of the deserters, who shall even be put and kept in the prisons of the country, at the request and expense of the Consular Officers, until there may be an opportunity for sending them away. If, however, such an opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserters shall be set at liberty, nor shall they again be arrested for the same cause.

If the deserter has committed any misdemeanor, and the court having the right to take cognizance of the offense shall claim and exercise it, the delivery of the deserter shall be deferred until the decision of the court has been pronounced and executed.

## 1625. ARTICLE XIII.

In the absence of an agreement to the contrary between the owners, freighters, and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port voluntarily or are forced by stress of weather, shall be settled by the Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the respective countries. If, however, any

inhabitant of the country, or citizen or subject of a third power, shall be interested in the matter, and the parties cannot agree, the competent local authorities shall decide.

#### 1626. ARTICLE XIV.

All proceedings relative to the salvage of vessels of the United States wrecked upon the coasts of Roumania, and of Roumanian vessels wrecked upon the coasts of the United States, shall be directed by the Consuls-General, Consuls, and Vice-Consuls of the two countries respectively, and, until their arrival, by the respective Consular Agents, wherever an agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the Consul in whose district the wreck may have occurred, and who shall be immediately informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of wrecked property.

The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors if these do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved.

It is understood that such merchandise is not to be subjected to any custom-house charges, unless it be intended for consumption in the country where the wreck may have taken place.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

#### 1627. ARTICLE XV.

In case of the death of any citizen of the United States in Roumania, or of any Roumanian in the United States, without having any known heirs or testamentary executor by him appointed, the competent local authorities shall give information of the circumstance to the Consuls or Consular Agents of the nation to which the deceased belongs, in order that the necessary information may be immediately forwarded to parties interested.

Consuls-General, Consuls, Vice-consuls, and Consular Agents shall have the right to appear, personally or by delegate, in all proceedings on behalf of the absent or minor heirs or creditors, until they are duly represented.

## 1628. ARTICLE XVI.

The present convention shall remain in force for the space of ten years, counting from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries and exchanged at Bucharest as soon as possible.

In case neither party gives notice, twelve months before the expiration of the said period of ten years, of its intention not to renew this convention, it shall remain in force one year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

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 RUSSIA.

*Treaty concluded December 6-18, 1832 (Navigation and Commerce).*

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## 1629. ARTICLE VIII.

The two contracting parties shall have the liberty of having in their respective ports Consuls, Vice-Consuls, Agents, and Commissaries of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations. But if any such Consul shall exercise commerce, he shall be submitted to the same laws and usages to which the private individuals of their nation are submitted, in the same place.

The Consuls, Vice-Consuls, and Commercial Agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or the tranquillity of the country, or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

## 1630. ARTICLE IX.

The said Consuls, Vice-Consuls, and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest,

detention, and imprisonment of the deserters from the ships of war and merchant-vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be detained.

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### THE SAMOAN ISLANDS.

*Treaty concluded January 17, 1878 (Friendship and Commerce).*

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#### 1631. ARTICLE IV.

All disputes between citizens of the United States in the Samoan Islands, whether relating to civil matters or to offenses or crimes, shall be heard and determined by the Consul of the United States at Apia, Samoa, under such regulations and limitations as the United States may provide; and all disputes between citizens of the United States and the people of those islands shall be heard by that Consul in conjunction with such officer of the Samoan Government as may be designated for that purpose. Crimes and offenses in cases where citizens of the United States may be convicted shall be punished according to the laws of their country; and in cases where the people of the Samoan Islands may be convicted, they shall be punished pursuant to Samoan laws and by the authorities of that country.

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*General act by and between the United States, Germany, and Great Britain providing for the neutrality and autonomous government of the Samoan Islands, concluded June 14, 1889.*

[Printed copies of this act may be had on application to the Department of State.]



## SERBIA.

*Consular convention, concluded October 2-14, 1881.*

[Text of this convention same as that concluded June 5, 1881, with Roumania, ante, paragraphs 1613 to 1628.]

## SIAM.

*Treaty concluded May 29, 1856 (Peace and Friendship).*

## 1632. ARTICLE I.

There shall henceforward be perpetual peace and friendship between the United States and their Majesties the first and second Kings of Siam and their successors.

All American citizens coming to Siam shall receive from the Siamese Government full protection and assistance to enable them to reside in Siam in all security, and trade with every facility, free from oppression or injury on the part of the Siamese. Inasmuch as Siam has no ships trading to the ports of the United States, it is agreed that the ships of war of the United States shall render friendly aid and assistance to such Siamese vessels as they may meet on the high seas, so far as can be done without a breach of neutrality; and all American Consuls residing at ports visited by Siamese vessels shall also give them such friendly aid as may be permitted by the laws of the respective countries in which they reside.

## 1633. ARTICLE II.

The interests of all American citizens coming to Siam shall be placed under the regulations and control of a Consul, who will be appointed to reside at Bangkok. He will himself conform to and will enforce the observance by American citizens of all the provisions of this treaty, and such of the former treaty, negotiated by Mr. Edmund Roberts in 1833, as shall still remain in operation. He shall also give effect to all rules and regulations as are now or may hereafter be enacted for the government of American citizens in Siam; the conduct of their trade, and for the prevention of violations of the laws of Siam. Any disputes arising between American citizens and Siamese subjects shall be heard and

determined by the Consul, in conjunction with the proper Siamese officers, and criminal offenses will be punished, in the case of American offenders by the Consul according to American laws, and in the case of Siamese offenders by their own laws, through the Siamese authorities. But the Consul shall not interfere in any matters referring solely to Siamese; neither will the Siamese authorities interfere in questions which only concern the citizens of the United States.

#### 1634. ARTICLE III.

If Siamese in the employ of American citizens offend against the laws of their country, or if any Siamese having so offended, or desiring to desert, take refuge with American citizens in Siam, they shall be searched for, and, upon proof of their guilt or desertion, shall be delivered up by the Consul to the Siamese authorities. In like manner, any American offenders, resident or trading in Siam, who may desert, escape to, or hide themselves in Siamese territory, shall be apprehended and delivered over to the American Consul on his requisition.

#### 1635. ARTICLE IV.

American citizens are permitted to trade freely in all the sea-ports of Siam, but may reside permanently only at Bangkok, or within the limits assigned by this treaty.

American citizens coming to reside at Bangkok may rent land and buy or build houses, but cannot purchase land within the circuit of two hundred *seng* (not more than four miles English) from the city walls, until they shall have lived in Siam for ten years, or shall obtain special authority from the Siamese Government to enable them to do so. But, with the exception of this limitation, American residents in Siam may, at any time, buy or rent houses, lands, or plantations situated anywhere within a distance of twenty-four hours' journey from the city of Bangkok, to be computed by the rate at which boats of the country can travel. In order to obtain possession of such lands or houses it will be necessary that the American citizen shall, in the first place, make application through the Consul to the proper Siamese officer, and the Siamese officer and the Consul, having satisfied themselves of the honest intentions of the applicant, will assist him in settling, upon equitable terms, the amount of the purchase-money; will make out and fix the boundaries of the property, and will convey the same to the American

purchaser under sealed deeds, whereupon he and his property shall be placed under the protection of the governor of the district, and that of the particular local authorities. He shall conform in ordinary matters to any just direction given him by them, and will be subject to the same taxation that is levied on Siamese subjects. But if, through negligence, the want of capital, or other cause, an American citizen should fail to commence the cultivation or improvement of the lands so acquired within a term of three years from the date of receiving possession thereof, the Siamese Government shall have the power of resuming the property upon returning to the American citizen the purchase-money paid by him for the same.

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## 1636. ARTICLE VI.

American ships of war may enter the river and anchor at Paknam; but they shall not proceed above Paknam unless with the consent of the Siamese authorities, which shall be given where it is necessary that a ship shall go into dock for repairs. Any American ships of war conveying to Siam a public functionary, accredited by the American Government to the court of Bangkok, shall be allowed to come up to Bangkok, but shall not pass the forts called Phrachamit and Pit-pach-ruck, unless expressly permitted to do so by the Siamese Government. But in the absence of an American ship of war, the Siamese authorities engage to furnish the Consul with a force sufficient to enable him to give effect to his authority over American citizens and to enforce discipline among American shipping.

\* \* \* \* \*

## 1637. ARTICLE VIII.

The code of regulations appended to this treaty shall be enforced by the Consul, with the co-operation of the Siamese authorities; and they, the said authorities and Consuls, shall be enabled to introduce any further regulations which may be found necessary in order to give effect to the objects of this treaty.

All fines and penalties inflicted for infraction of the provisions and regulations of this treaty shall be paid to the Siamese Government.

\* \* \* \* \*

*General regulations under which American trade is to be conducted in Siam.*

1638. REGULATION FIRST.

The master of every American ship coming to Bangkok to trade must, either before or after entering the river, as may be found convenient, report the arrival of his vessel at the custom-house at Paknam, together with the number of his crew and guns, and the port from whence he comes. Upon anchoring his vessel at Paknam, he will deliver into the custody of the custom-house officers all his guns and ammunition, and a custom-house officer will then be appointed to the vessel, and will proceed in her to Bangkok.<sup>1</sup>

1639. REGULATION SECOND.

A vessel passing Paknam without discharging her guns and ammunition, as directed in the foregoing regulation, will be sent back to Paknam, to comply with its provisions, and will be fined eight hundred ticals for having so disobeyed. After delivery of her guns and ammunition she will be permitted to return to Bangkok to trade.

1640. REGULATION THIRD.

When an American vessel shall have cast anchor at Bangkok, the master, unless a Sunday should intervene, will, within four and twenty hours after arrival, proceed to the American Consulate and deposit there his ship's papers, bills of lading, &c., together with a true manifest of his import cargo; and upon the Consul's reporting these particulars to the custom-house, permission to break bulk will at once be given by the latter.

For neglecting so to report his arrival, or for presenting a false manifest, the master will subject himself, in each instance, to a penalty of four hundred ticals; but he will be allowed to correct, within twenty-four hours after delivery of it to the Consul, any mistake he may discover in his manifest, without incurring the above-mentioned penalty.

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<sup>1</sup> By a decree of the Siamese Government, dated December 17, 1867, regulation first is so far modified as to require the deposit of powder only, the guns being allowed to remain on board.

## 1641. REGULATION FOURTH.

An American vessel breaking bulk and commencing to discharge before due permission shall be obtained, or smuggling, either when in the river or outside the bar, shall be subject to the penalty of eight hundred ticals, and confiscation of the goods so smuggled or discharged.

## 1642. REGULATION FIFTH.

As soon as an American vessel shall have discharged her cargo, and completed her outward lading, paid all her duties, and delivered a true manifest of her outward cargo to the American Consul, a Siamese port clearance shall be granted her, on application from the Consul, who, in the absence of any legal impediment to her departure, will then return to the master his ship's papers, and allow the vessel to leave. A custom-house officer will accompany the vessel to Paknam, and on arriving there she will be inspected by the custom-house officers of that station, and will receive from them the guns and ammunition previously delivered into their charge.

## 1643. REGULATION SIXTH.

The American Plenipotentiary having no knowledge of the Siamese language, the Siamese Government have agreed that the English text of these regulations, together with the treaty of which they form a portion, and the tariff hereunto annexed, shall be accepted as conveying, in every respect, their true meaning and intention.

## 1644. REGULATION SEVENTH.

All American citizens intending to reside in Siam shall be registered at the American Consulate; they shall not go out to sea nor proceed beyond the limits assigned by the treaty for the residence of American citizens without a passport from the Siamese authorities, to be applied for by the American Consul; nor shall they leave Siam if the Siamese authorities show to the American Consul that legitimate objections exist to their quitting the country. But within the limits appointed under Article IV of the treaty, American citizens are at liberty to travel to and fro, under the protection of a pass to be furnished them by the American Consul, and counter-sealed by the proper Siamese officer, stating in the Siamese character their names, calling, and description. The Siamese officers at the government stations in the interior may at any time

call for the production of this pass; and immediately on its being exhibited, they must allow the parties to proceed; but it will be their duty to detain those persons who, by traveling without a pass from the Consul, render themselves liable to the suspicion of their being deserters, and such detention shall be immediately reported to the Consul.

[For agreement concluded May 14, 1884, between the United States and Siam, regulating the liquor traffic in Siam, see United States Treaties (1887), pp. 1003 and following.]

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**SPAIN.**

*Treaty concluded October 27, 1795 (Friendship, Limits, and Navigation).*

\*            \*            \*            \*            \*            \*            \*

**1645. ARTICLE XIX.**

Consuls shall be reciprocally established, with the privileges and powers which those of the most favored nations enjoy, in the ports where their Consuls reside or are permitted to be.

\*            \*            \*            \*            \*            \*            \*

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*Treaty concluded February 22, 1819 (Amity, Settlement, and Limits).*

\*            \*            \*            \*            \*            \*            \*

**1646. ARTICLE XIII.**

Both contracting parties, wishing to favor their mutual commerce, by affording in their ports every necessary assistance to their respective merchant-vessels, have agreed that the sailors who shall desert from their vessels in the ports of the other shall be arrested and delivered up, at the instance of the Consul, who shall prove, nevertheless, that the deserters belonged to the vessels that claimed them, exhibiting the document that is customary in their nation; that is to say, the American Consul in a Spanish port shall exhibit the document known by the name of articles, and the Spanish Consul in American ports the roll of the vessel; and if the name of the deserter or deserters who are claimed shall appear in the one or the other, they shall be arrested, held in custody, and delivered to the vessel to which they shall belong.

\*            \*            \*            \*            \*            \*            \*

## SWEDEN AND NORWAY.

*Treaty concluded July 4, 1827 (Commerce and Navigation).*

\* \* \* \* \*

## 1647. ARTICLE XIII.

Each of the high contracting parties grants to the other the privilege of appointing, in its commercial ports and places, Consuls, Vice-Consuls, and Commercial Agents; who shall enjoy the full protection, and receive every assistance necessary for the due exercise of their functions; but it is expressly declared that, in case of illegal or improper conduct with respect to the laws or government of the country in which said Consuls, Vice-Consuls, or Commercial Agents shall reside, they may be prosecuted and punished conformably to the laws, and deprived of the exercise of their functions by the offended Government, which shall acquaint the other with its motives for having thus acted; it being understood, however, that the archives and documents relative to the affairs of the Consulate shall be exempt from all search, and shall be carefully preserved under the seals of the Consuls, Vice-Consuls, or Commercial Agents, and of the authority of the place where they may reside.

The Consuls, Vice-Consuls, or Commercial Agents, or the persons duly authorized to supply their places, shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crew or of the captain should disturb the order or tranquility of the country; or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of the country.

## 1648. ARTICLE XIV.

The said Consuls, Vice-Consuls, or Commercial Agents are authorized to require the assistance of the local authorities for the arrest, detention, and imprisonment of the deserters from the ships of war and merchant-vessels of their country; and, for this purpose, they shall apply to the

competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crew, or by other official documents, that such individuals formed part of the crews, and on this reclamation being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who claim them, in order to be sent to the vessels to which they belonged, or to others of the same country. But if not sent back within the space of two months, reckoning from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

It is understood, however, that if the deserter should be found to have committed any crime or offense, his surrender may be delayed until the tribunal before which the case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

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### SWISS CONFEDERATION.

*Concluded November 25, 1850 (Friendship, Commerce, and for the Surrender of Fugitive Criminals).*

\* \* \* \* \*

#### 1649. ARTICLE VII.

The contracting parties give to each other the privilege of having, each, in the large cities and important commercial places of their respective States, Consuls and Vice-Consuls of their own appointment, who shall enjoy the same privileges and powers, in the discharge of their duties, as those of the most favored nations. But before any Consul or Vice-Consul shall act as such, he shall in the ordinary form be approved of by the Government to which he is commissioned.

In their private and business transactions Consuls and Vice-Consuls shall be submitted to the same laws and usages as private individuals, citizens of the place in which they reside.

It is hereby understood that in case of offense against the laws by a Consul or Vice-Consul, the Government to which he is commissioned may, according to circumstances, withdraw his exequatur, send him



away from the country, or have him punished in conformity with the laws, assigning to the other Government its reasons for so doing.

The archives and papers belonging to the Consulates shall be respected inviolably, and under no pretext whatever shall any magistrate or other functionary visit, seize, or in any way interfere with them.

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### TONGA.

*Treaty of Amity, Commerce, and Navigation, concluded October 2, 1886.*

\* \* \* \* \*

#### 1650. ARTICLE X.

Should any member of the ship's company desert from a vessel-of-war or merchant vessel of either of the High Contracting Parties, while such vessel is within the territorial jurisdiction of the other, the local authorities shall render all lawful assistance for the apprehension of such deserter, on application to that effect made by Consul of the High Contracting Party concerned, or if there be no Consul, then by the master of the vessel.

#### 1651. ARTICLE XI.

Each of the High Contracting Parties may appoint Consuls, Vice-Consuls, Commercial Agents, and Vice-Commercial Agents, for the protection of trade, to reside in the territory of the High Contracting Party; but before any consular officer so appointed shall act as such, he shall in the usual form be approved of and admitted by the Government of the country to which he is sent; and all such consular officers shall enjoy the same privileges and powers with those of the most favored nation.

#### 1652. ARTICLE XII.

Consuls and Consular representatives of the United States in Tonga shall have all jurisdictional rights over civil and criminal matters concerning their own citizens and vessels, in conformity with the statutes of the United States and the law of nations; and they may call upon the authorities of Tonga for aid in making arrests or enforcing judgments: And, Citizens of the United States charged with committing offences against Tongans shall be amenable only to the consular jurisdiction

and shall be punished according to the law of the United States; and Tongans charged with committing offences against citizens of the United States shall be tried by Tongan courts and punished according to Tongan law.

Claims of a civil nature against citizens of the United States shall be cognizable only in the Consular jurisdiction, and Tongan courts shall be open to citizens of the United States to prosecute such claims against Tongans, according to law: *Provided*, That citizens of the United States charged with violations of laws and regulations of Tonga relating to customs, taxation, public health and local police not cognizable as such under the laws of the United States, shall be amenable to the jurisdiction of the Tongan courts upon notice to the nearest U. S. Consul or Commercial Agent, if there be one resident in Tonga, who shall have the right to be present at the trial and to direct or provide for the defense of the accused; the proceedings at all such trials shall be public and accessible.

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### TRIPOLI.

*Treaty concluded June 4, 1805 (Peace and Amity).*

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#### 1653. ARTICLE VI.

Proper passports shall immediately be given to vessels of both the contracting parties, on condition that the vessels of war belonging to the regency of Tripoli, on meeting with merchant vessels belonging to citizens of the United States of America, shall not be permitted to visit them with more than two persons besides the rowers; these two only shall be permitted to go on board said vessel, without first obtaining leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage; and should any of the said subjects of Tripoli insult or molest the commander or any other person on board a vessel so visited, or plunder any of the property contained in her, on complaint being made by the Consul of the United States of America resident at Tripoli, and on his producing sufficient proof to substantiate the fact, the commander or rais of said Tripoline ship or vessel of war, as well as the offenders, shall be

punished in the most exemplary manner. All vessels of war belonging to the United States of America, on meeting with a cruiser belonging to the regency of Tripoli, and having seen her passport and certificate from the Consul of the United States of America residing in the regency, shall permit her to proceed on her cruise unmolested, and without detention. No passport shall be granted by either party to any vessels but such as are absolutely the property of citizens or subjects of said contracting parties, on any pretense whatever.

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#### 1654. ARTICLE XI.

The commerce between the United States of America and the regency of Tripoli; the protections to be given to merchants, masters of vessels, and seamen; the reciprocal rights of establishing Consuls in each country, and the privileges, immunities, and jurisdictions to be enjoyed by such Consuls, are declared to be on the same footing with those of the most favored nations, respectively.

#### 1655. ARTICLE XII.

The Consul of the United States of America shall not be answerable for debts contracted by citizens of his own nation, unless he previously gives a written obligation so to do.

#### 1656. ARTICLE XIII.

On a vessel of war belonging to the United States of America anchoring before the city of Tripoli, the Consul is to inform the Bashaw of her arrival, and she shall be saluted with twenty-one guns, which she is to return in the same quantity or number.

#### 1657. ARTICLE XIV.

As the Government of the United States of America has, in itself, no character of enmity against the laws, religion, or tranquillity of Musselmen, and as the said states never have entered into any voluntary war or act of hostility against any Mohometan nation, except in the defense of their just rights to freely navigate the high seas, it is declared by the contracting parties that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two nations. And the Consuls and Agents of both nations, respectively, shall have liberty to exercise his religion in his own house. All slaves

of the same religion shall not be impeded in going to the said Consul's house at hours of prayer. The Consuls shall have liberty and personal security given them to travel within the territories of each other, both by land and sea, and shall not be prevented from going on board any vessel that they may think proper to visit. They shall have, likewise, the liberty to appoint their own Dragoman and Brokers.

## 1658. ARTICLE XV.

In case of any dispute arising from the violation of any of the articles of this treaty, no appeal shall be made to arms, nor shall war be declared on any pretext whatever; but if the Consul residing at the place where the dispute shall happen shall not be able to settle the same, the Government of that country shall state their grievances in writing, and transmit it to the Government of the other; and the period of twelve calendar months shall be allowed for answers to be returned; during which time no act of hostility shall be permitted by either party; and in case the grievances are not redressed, and war should be the event, the Consuls and citizens or subjects of both parties, reciprocally, shall be permitted to embark unmolested on board of what vessel or vessels they shall think proper.

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## 1659. ARTICLE XVIII.

If any of the citizens of the United States, or any person under their protection, shall have any dispute with each other, the Consul shall decide between the parties; and whenever the Consul shall require any aid or assistance from the Government of Tripoli to enforce his decision, it shall immediately be granted to him; and if any dispute shall arise between any citizen of the United States and the citizens or subjects of any other nation having a Consul or Agent in Tripoli, such disputes shall be settled by the Consuls or Agents of the respective nations.

## 1660. ARTICLE XIX.

If a citizen of the United States should kill or wound a Tripoline, or, on the contrary, if a Tripoline shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; and if any delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatever.

## 1661. ARTICLE XX.

Should any citizen of the United States of America die within the limits of the regency of Tripoli, the Bashaw and his subjects shall not interfere with the property of the deceased; but it shall be under the immediate direction of the Consul, unless otherwise disposed of by will. Should there be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them; when they shall render an account of the property. Neither shall the Bashaw or his subjects give hinderance in the execution of any will that may appear.

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## TUNIS.

*Treaty concluded August, 1797 (Peace and Friendship).*

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## 1662. ARTICLE XI.

When a vessel of war of the United States of America shall enter the port of Tunis, and the Consul shall request that the castle may salute her, the number of guns shall be fired which he may request; and if the said Consul does not want a salute there shall be no question about it.

But in case he shall desire the salute, and the number of guns shall be fired which he may have requested, they shall be counted and returned by the vessel in as many barrels of cannon powder.

The same shall be done with respect to the Tunisian corsairs when they shall enter any port of the United States.

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## 1663. ARTICLE XVII.

Each of the contracting parties shall be at liberty to establish a Consul in the dependencies of the other; and if such Consul does not act in conformity with the usages of the country, like others, the government of the place shall inform his Government of it, to the end that he may be changed and replaced; but he shall enjoy, as well for himself as his family and suite, the protection of the Government; and he may import for his own use all his provisions and furniture, without paying any duty; and if he shall import merchandise (which it shall be lawful for him to do), he shall pay duty for it.

## 1664. ARTICLE XVIII.

If the subjects or citizens of either of the contracting parties, being within the possessions of the other, contract debts, or enter into obligations, neither the Consul nor the nation, nor any subjects or citizens thereof, shall be in any manner responsible, except they or the Consul shall have previously become bound in writing; and without this obligation in writing, they cannot be called upon for indemnity or satisfaction.

## 1665. ARTICLE XIX.

In case of a citizen or subject of either of the contracting parties dying within the possessions of the other, the Consul or the Vekil shall take possession of his effects (if he does not leave a will), of which he shall make an inventory; and the government of the place shall have nothing to do therewith; and if there shall be no Consul, the effects shall be deposited in the hands of a confidential person of the place, taking an inventory of the whole, that they may eventually be delivered to those to whom they of right belong.

## 1666. ARTICLE XX.

The Consul shall be the judge of all disputes between his fellow-citizens or subjects, as also between all other persons who may be immediately under his protection; and in all cases wherein he shall require the assistance of the Government where he resides to sanction his decisions it shall be granted to him.

## 1667. ARTICLE XXI.

If a citizen or subject of one of the parties shall kill, wound, or strike a citizen or subject of the other, justice shall be done according to the laws of the country where the offense shall be committed; the Consul shall be present at the trial; but if any offender shall escape, the Consul shall be in no manner responsible for it.

## 1668. ARTICLE XXII.

If a dispute or lawsuit on commercial or other civil matters shall happen, the trial shall be had in the presence of the Consul, or of a confidential person of his choice, who shall represent him, and endeavor to accommodate the difference which may have happened between the citizens or subjects of the two nations.

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## TURKEY.

(See THE OTTOMAN PORTE.)

*General act between the United States and other powers, signed July 2, 1890, for the repression of the African slave trade.*

[A copy of this act may be had on application to the Department of State.]

## ZANZIBAR.

(See also MASKAT.)

*Treaty concerning import duties and Consuls, enlarging and defining stipulations of Treaty of September 21, 1833 (with Maskat); concluded July 3, 1886.*

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## 1669. ARTICLE II.

The consuls of the United States appointed under the stipulations of the IXth Article of the treaty above mentioned, shall in addition to the rights, powers and immunities secured by said article, enjoy all the rights, privileges, immunities and jurisdictional powers which are now or may hereafter be enjoyed by the Consuls and Consular Agents of the most favored nations and conversely, the Consuls and Consular Agents which His Highness the Sultan may appoint to reside in the United States shall have the treatment of agents of like grade of the most favored nation.

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APPENDIX No. IV.

CONVENTIONS RELATING TO NATURALIZATION.

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## CONVENTIONS RELATING TO NATURALIZATION, REFERRED TO IN THE TEXT.

### AUSTRIA-HUNGARY.

*Convention concluded on the 20th of September, 1870.*

#### 1670. ARTICLE I.

Citizens of the Austro-Hungarian Monarchy who have resided in the United States of America uninterruptedly at least five years, and during such residence have become naturalized citizens of the United States, shall be held by the Government of Austria and Hungary to be American citizens, and shall be treated as such.

Reciprocally, citizens of the United States of America who have resided in the territories of the Austro-Hungarian Monarchy uninterruptedly at least five years, and during such residence have become naturalized citizens of the Austro-Hungarian Monarchy, shall be held by the United States to be citizens of the Austro-Hungarian Monarchy, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

#### 1671. ARTICLE II.

A naturalized citizen of the one party, on return to the territory of the other party, remains liable to trial and punishment for an action punishable by the laws of his original country committed before his emigration, saving always the limitation established by the laws of his original country and any other remission of liability to punishment.

In particular, a former citizen of the Austro-Hungarian Monarchy, who, under the first article, is to be held as an American citizen, is liable to trial and punishment, according to the laws of Austro-Hungary, for

non-fulfillment of military duty: 1st. If he has emigrated, after having been drafted at the time of conscription, and thus having become enrolled as a recruit for service in the standing army. 2d. If he has emigrated while he stood in service under the flag, or had a leave of absence only for a limited time. 3d. If, having a leave of absence for an unlimited time, or belonging to the reserve or to the militia, he has emigrated after having received a call into service, or after a public proclamation requiring his appearance, or after war has broken out. On the other hand, a former citizen of the Austro-Hungarian Monarchy, naturalized in the United States, who by, or after, his emigration has transgressed the legal provisions on military duty by any acts or omissions other than those above enumerated in the clauses numbered one, two, and three, can, on his return to his original country, neither be held subsequently to military service nor remain liable to trial and punishment for the non-fulfillment of his military duty.

#### 1672. ARTICLE III.

The convention for the mutual delivery of criminals, fugitives from justice, concluded on the 3d July, 1856, between the Government of the United States of America on the one part and the Austro-Hungarian Monarchy on the other part, as well as the additional convention, signed on the 8th of May, 1848, to the treaty of commerce and navigation concluded between the said Governments on the 27th of August, 1839, and especially the stipulations of Article IV of the said additional convention concerning the delivery of the deserters from the ships of war and merchant-vessels, remain in force without change.

#### 1673. ARTICLE IV.

The emigrant from the one State, who, according to Article I, is to be held as a citizen of the other State, shall not, on his return to his original country, be constrained to resume his former citizenship; yet, if he shall of his own accord reacquire it, and renounce the citizenship obtained by naturalization, such a renunciation is allowable, and no fixed period of residence shall be required for the recognition of his recovery of citizenship in his original country.

#### 1674. ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force ten years. If

neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

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## BADEN.

*Convention concluded July 19, 1868.*

### 1675. ARTICLE I.

Citizens of the Grand Duchy of Baden, who have resided uninterruptedly within the United States of America five years, and before, during, or after that time have become, or shall become, naturalized citizens of the United States, shall be held by Baden to be American citizens, and shall be treated as such. Reciprocally, citizens of the United States of America, who have resided uninterruptedly within the Grand Duchy of Baden five years, and before, during, or after that time have become, or shall become, naturalized citizens of the Grand Duchy of Baden, shall be held by the United States to be citizens of Baden, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

### 1676. ARTICLE II.

A naturalized citizen of the one party, on return to the territory of the other party, remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, saving always the limitation established by the laws of his original country, or any other remission of liability to punishment. In particular, a former Badener who, under the first article, is to be held as an American citizen, is liable to trial and punishment according to the laws of Baden for non-fulfillment of military duty—

1. If he has emigrated after he, on occasion of the draft from those owing military duty, has been enrolled as a recruit for service in the standing army.

2. If he has emigrated while he stood in service under the flag, or had a leave of absence only for a limited time.

3. If, having a leave of absence for an unlimited time, or belonging

to the reserve or to the militia, he has emigrated after having received a call into service, or after a public proclamation requiring his appearance, or after war has broken out.

On the other hand, a former Badener, naturalized in the United States, who, by or after his emigration, has transgressed or shall transgress the legal provisions on military duty by any acts or omissions other than those above enumerated in the clauses numbered one to three, can, on his return to his original country, neither be held subsequently to military service nor remain liable to trial and punishment for the non-fulfillment of his military duty. Moreover, the attachment on the property of an emigrant for non-fulfillment of his military duty, except in the cases designated in the clauses numbered one to three, shall be removed so soon as he shall prove his naturalization in the United States, according to the first article.

#### 1677. ARTICLE III.

The convention for the mutual delivery of criminals, fugitives from justice, concluded between the Grand Duchy of Baden on the one part, and the United States of America on the other part, the thirtieth day of January, one thousand eight hundred and fifty-seven, remains in force without change.

#### 1678. ARTICLE IV.

The emigrant from the one state, who, according to the first article, is to be held as a citizen of the other state, shall not on his return to his original country be constrained to resume his former citizenship; yet if he shall of his own accord reacquire it and renounce the citizenship obtained by naturalization, such a renunciation is allowed, and no fixed period of residence shall be required for the recognition of his recovery of citizenship in his original country.

#### 1679. ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall remain in force until the end of twelve months after either of the contracting parties shall have given notice of such intention.

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**BAVARIA.**

*Convention concluded May 26, 1868.*

**1680. ARTICLE I.**

Citizens of Bavaria who have become, or shall become, naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States for five years, shall be held by Bavaria to be American citizens, and shall be treated as such.

Reciprocally, citizens of the United States of America who have become, or shall become, naturalized citizens of Bavaria, and shall have resided uninterruptedly within Bavaria five years, shall be held by the United States to be Bavarian citizens, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

**1681. ARTICLE II.**

A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, saving always the limitation established by the laws of his original country, or any other remission of liability to punishment.

**1682. ARTICLE III.**

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part, and Bavaria on the other part, the twelfth day of September, one thousand eight hundred and fifty-three, remains in force without change.

**1683. ARTICLE IV.**

If a Bavarian, naturalized in America, renews his residence in Bavaria, without the intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally, if an American, naturalized in Bavaria, renews his residence in the United States, without the intent to return to Bavaria, he shall be held to have renounced his naturalization in Bavaria. The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

## 1684. ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratification, and shall continue in force for ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

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## 1685. PROTOCOL.

*Done at Munich, the 26th May, 1868.*

The undersigned met to-day to sign the treaty agreed upon in conformity with their respective full powers, relating to the citizenship of those persons who emigrate from Bavaria to the United States of America, and from the United States of America to Bavaria; on which occasion the following observations, more exactly defining and explaining the contents of this treaty, were entered in the following protocol:

## 1686. RELATING TO THE FIRST ARTICLE OF THE TREATY.

1. Inasmuch as the copulative "and" is made use of, it follows, of course, that not the naturalization alone, but an additional five years' uninterrupted residence is required, before a person can be regarded as coming within the treaty; but it is by no means requisite that the five years' residence should take place after the naturalization. It is hereby further understood that if a Bavarian has been discharged from his Bavarian indiginate, or, on the other side, if an American has been discharged from his American citizenship in the manner legally prescribed by the Government of his original country, and then acquires naturalization in the other country in a rightful and perfectly valid manner, then an additional five years' residence shall no longer be required, but a person so naturalized shall, from the moment of his naturalization, be held and treated as a Bavarian, and, reciprocally, as an American citizen.

2. The words "resided uninterruptedly" are obviously to be understood, not of a continued bodily presence, but in the legal sense; and therefore a transient absence, a journey, or the like, by no means interrupts the period of five years contemplated by the first article.



## 1687. II. RELATING TO THE SECOND ARTICLE OF THE TREATY.

1. It is expressly agreed that a person who, under the first article, is to be held as an adopted citizen of the other state, on his return to his original country cannot be made punishable for the act of emigration itself, not even though at a later day he should have lost his adopted citizenship.

## 1688. III. RELATING TO THE FOURTH ARTICLE OF THE TREATY.

1. It is agreed on both sides that the regulative powers granted to the two Governments, respectively, by their laws for protection against resident aliens, whose residence endangers peace and order in the land, are not affected by the treaty. In particular the regulation contained in the second clause of the tenth article of the Bavarian military law of the 30th of January, 1868, according to which Bavarians emigrating from Bavaria before the fulfillment of their military duty cannot be admitted to a permanent residence in the land till they shall have become 32 years old, is not affected by the treaty. But yet it is established and agreed that, by the expression "permanent residence" used in the said article, the above-described emigrants are not forbidden to undertake a journey to Bavaria for a less period of time and for definite purposes, and the royal Bavarian Government moreover cheerfully declares itself ready, in all cases in which the emigration has plainly taken place in good faith, to allow a mild rule in practice to be adopted.

2. It is hereby agreed that when a Bavarian naturalized in America, and, reciprocally, an American naturalized in Bavaria, takes up his abode once more in his original country without the intention of return to the country of his adoption, he does by no means thereby recover his former citizenship; on the contrary, in so far as it relates to Bavaria, it depends on His Majesty the King, whether he will or will not in that event grant the Bavarian citizenship anew.

The article fourth shall accordingly have only this meaning, that the adopted country of the emigrant cannot prevent him from acquiring once more his former citizenship; but not that the state to which the emigrant originally belonged is bound to restore him at once to his original relation.

On the contrary, the citizen naturalized abroad must first apply to be received back into his original country in the manner prescribed by

its laws and regulations, and must acquire citizenship anew, exactly like any other alien.

But yet it is left to his own free choice, whether he will adopt that course or will preserve the citizenship of the country of his adoption.

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## BELGIUM.

*Convention concluded November 16, 1868.*

### 1689. ARTICLE I.

Citizens of the United States who may or shall have been naturalized in Belgium will be considered by the United States as citizens of Belgium. Reciprocally, Belgians who may or who shall have been naturalized in the United States will be considered by Belgium as citizens of the United States.

### 1690. ARTICLE II.

Citizens of either contracting party, in case of their return to their original country, can be prosecuted there for crimes or misdemeanors committed before naturalization, saving to them such limitations as are established by the laws of their original country.

### 1691. ARTICLE III.

Naturalized citizens of either contracting party, who shall have resided five years in the country which has naturalized them, cannot be held to the obligation of military service in their original country, or to incidental obligation resulting therefrom, in the event of their return to it, except in cases of desertion from organized and embodied military or naval service, or those that may be assimilated thereto by the laws of that country.

### 1692. ARTICLE IV.

Citizens of the United States naturalized in Belgium shall be considered by Belgium as citizens of the United States when they shall have recovered their character as citizens of the United States, according to the laws of the United States. Reciprocally, Belgians naturalized in the United States shall be considered as Belgians by the United States when they shall have recovered their character as Belgians according to the laws of Belgium.

## 1693. ARTICLE V.

The present convention shall enter into execution immediately after the exchange of ratifications, and shall remain in force for ten years. If, at the expiration of that period, neither of the contracting parties shall have given notice six months in advance of its intention to terminate the same, it shall continue in force until the end of twelve months after one of the contracting parties shall have given notice to the other of such intention.

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 DENMARK.

*Convention concluded July 20, 1872.*

## 1694. ARTICLE I.

Citizens of the United States of America who have become, or shall become, and are naturalized, according to law, within the Kingdom of Denmark, as Danish subjects shall be held by the United States of America to be in all respects and for all purposes Danish subjects, and shall be treated as such by the United States of America.

In like manner Danish subjects who have become, or shall become, and are naturalized, according to law, within the United States of America as citizens thereof, shall be held by the Kingdom of Denmark to be in all respects and for all purposes as citizens of the United States of America, and shall be treated as such by the Kingdom of Denmark.

## 1695. ARTICLE II.

If any such citizen of the United States, as aforesaid, naturalized within the Kingdom of Denmark as a Danish subject, should renew his residence in the United States, the United States Government may, on his application, and on such conditions as that Government may see fit to impose, readmit him to the character and privileges of a citizen of the United States, and the Danish Government shall not, in that case, claim him as a Danish subject on account of his former naturalization.

In like manner, if any such Danish subject, as aforesaid, naturalized within the United States as a citizen thereof, should renew his residence

within the Kingdom of Denmark, his Majesty's Government may, on his application, and on such conditions as that Government may think fit to impose, readmit him to the character and privileges of a Danish subject, and the United States Government shall not, in that case, claim him as a citizen of the United States on account of his former naturalization.

## 1696. ARTICLE III.

If, however, a citizen of the United States naturalized in Denmark shall renew his residence in the former country without the intent to return to that in which he was naturalized, he shall be held to have renounced his naturalization.

In like manner, if a Dane naturalized in the United States shall renew his residence in Denmark without the intent to return to the former country, he shall be held to have renounced his naturalization in the United States.

The intent not to return may be held to exist when a person naturalized in the one country shall reside more than two years in the other country.

## 1697. ARTICLE IV.

The present convention shall go into effect immediately on or after the exchange of the ratifications, and shall continue in force for ten years. If neither party shall have given to the other six month's previous notice of its intention then to terminate the same it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

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**ECUADOR.**

*Treaty concluded May 6, 1872.*

## 1698. ARTICLE I.

Each of the two republics shall recognize as naturalized citizens of the other those persons who shall have been therein duly naturalized, after having resided uninterruptedly in their adopted country as long as may be required by its constitution or laws.

This article shall apply as well to those already naturalized in the countries of either of the contracting parties as to those who may be hereafter naturalized.

## 1699. ARTICLE II.

If a naturalized citizen of either country shall renew his residence in that where he was born, without an intention of returning to that where he was naturalized, he shall be held to have reassumed the obligations of his original citizenship, and to have renounced that which he had obtained by naturalization.

## 1700. ARTICLE III.

A residence of more than two years in the native country of a naturalized citizen shall be construed as an intention on his part to stay there without returning to that where he was naturalized. This presumption, however, may be rebutted by evidence to the contrary.

## 1701. ARTICLE IV.

Naturalized citizens of either country, on returning to that where they were born, shall be subject to trial and punishment according to the laws, for offenses committed before their immigration, saving always the limitations established by law.

## 1702. ARTICLE V.

A declaration of intention to become a citizen shall not have the effect of naturalization.

## 1703. ARTICLE VI.

The present convention shall go into effect immediately on the exchange of ratifications, and it shall remain in full force for ten years. If neither of the contracting parties shall give notice to the other six months previously of its intention to terminate the same, it shall further remain in force until twelve months after either of the contracting parties shall have given notice to the other of such intention.

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**GERMANY.**

[See also BADEN, BAVARIA, HESSE DARMSTADT, WÜRTTEMBERG.]

**NORTH GERMAN UNION.**

*Convention concluded February 22, 1868.*

**1704. ARTICLE I.**

Citizens of the North German Confederation who become naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States five years, shall be held by the North German Confederation to be American citizens, and shall be treated as such.

Reciprocally, citizens of the United States of America who become naturalized citizens of the North German Confederation, and shall have resided uninterruptedly within North Germany five years, shall be held by the United States to be North German citizens, and shall be treated as such. The declaration of an intention to become a citizen of one or the other country has not for either party the effect of naturalization.

**1705. ARTICLE II.**

A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration; saving always the limitation established by the laws of his original country.

**1706. ARTICLE III.**

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part, and Prussia and other States of Germany on the other part, the sixteenth day of June, one thousand eight hundred and fifty-two, is hereby extended to all the States of the North German Confederation.

**1707. ARTICLE IV.**

If a German naturalized in America renews his residence in North Germany, without the intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally, if an American naturalized in North Germany renews his residence in the United States, without the intent to return to North Germany, he

shall be held to have renounced his naturalization in North Germany. The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

## 1708. ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

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 GREAT BRITAIN.

*Convention concluded May 13, 1870.*

## 1709. ARTICLE I.

Citizens of the United States of America who have become, or shall become, and are, naturalized, according to law, within the British dominions as British subjects, shall, subject to the provisions of Article II, be held by the United States to be in all respects and for all purposes British subjects, and shall be treated as such by the United States.

Reciprocally, British subjects who have become, or shall become, and are, naturalized, according to law, within the United States of America as citizens thereof, shall, subject to the provisions of Article II, be held by Great Britain to be in all respects and for all purposes citizens of the United States, and shall be treated as such by Great Britain.

## 1710. ARTICLE II.

Such citizens of the United States as aforesaid, who have become and are naturalized within the dominions of Her Britannic Majesty as subjects, shall be at liberty to renounce their naturalization and to resume their nationality as citizens of the United States, provided that such renunciation be publicly declared within two years after the exchange of the ratification of the present convention.

Such British subjects as aforesaid, who have become and are naturalized as citizens within the United States, shall be at liberty to renounce

their naturalization and to resume their British nationality, provided that such renunciation be publicly declared within two years after the 12th day of May, 1870.

The manner in which this renunciation may be made and publicly declared shall be agreed upon by the Governments of the respective countries.

#### 1711. ARTICLE III.

If any such citizen of the United States as aforesaid, naturalized within the dominions of Her Britannic Majesty, should renew his residence in the United States, the United States Government may, on his own application, and on such conditions as that Government may think fit to impose, readmit him to the character and privileges of a citizen of the United States, and Great Britain shall not, in that case, claim him as a British subject on account of his former naturalization.

In the same manner, if any such British subject as aforesaid, naturalized in the United States, should renew his residence within the dominions of Her Britannic Majesty, Her Majesty's Government may, on his own application, and on such conditions as that Government may think fit to impose, readmit him to the character and privileges of a British subject, and the United States shall not, in that case, claim him as a citizen of the United States on account of his former naturalization.

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### HESSE DARMSTADT.

*Convention concluded August 1, 1868.*

#### 1712. ARTICLE I.

Citizens of the parts of the Grand Duchy of Hesse not included in the North German Confederation who have become, or shall become, naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States five years, shall be held by the Grand Ducal Hessian Government to be American citizens, and shall be treated as such.

Reciprocally, citizens of the United States of America who have become, or shall become, naturalized citizens of the above-described parts of the Grand Duchy of Hesse, and shall have resided uninterruptedly



therein five years, shall be held by the United States to be citizens of the Grand Duchy of Hesse, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

## 1713. ARTICLE II.

A naturalized citizen of the one party, on return to the territory of the other party, remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, saving always the limitation established by the laws of his original country.

## 1714. ARTICLE III.

The Convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States of America and the Grand Duchy of Hesse on the 16th of June, 1852, remains in force without change.

## 1715. ARTICLE IV.

If a Hessian, naturalized in America, but originally a citizen of the parts of the Grand Duchy not included in the North German Confederation, renews his residence in those parts without the intent to return to America, he shall be held to have renounced his naturalization in the United States.

Reciprocally, if an American naturalized in the Grand Duchy of Hesse (within the above-described parts), renews his residence in the United States without the intent to return to Hesse, he shall be held to have renounced his naturalization in the Grand Duchy.

The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

## 1716. ARTICLE V.

The present Convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

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**MEXICO.**

*Convention concluded July 10, 1868.*

[This convention was terminated February 11, 1882, by notice given by Mexico, February 10, 1881.]

**1717. ARTICLE I.**

Those citizens of the United States who have been made citizens of the Mexican Republic by naturalization, and have resided without interruption in Mexican territory five years, shall be held by the United States as citizens of the Mexican Republic, and shall be treated as such. Reciprocally, citizens of the Mexican Republic who have become citizens of the United States, and who have resided uninterruptedly in the territory of the United States for five years, shall be held by the Republic of Mexico as citizens of the United States, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization. This article shall apply as well to those already naturalized in either of the countries contracting as to those hereafter naturalized.

**1718. ARTICLE II.**

Naturalized citizens of either of the contracting parties, on return to the territory of the other, remain liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration; saving always the limitations established by his original country.

**1719. ARTICLE III.**

The convention for the surrender in certain cases of criminals, fugitives from justice, concluded between the United States of America of the one part, and the Mexican Republic on the other part, on the eleventh day of December, one thousand eight hundred and sixty-one, shall remain in full force without any alteration.

**1720. ARTICLE IV.**

If a citizen of the United States naturalized in Mexico renews his residence in the United States without the intent to return to Mexico, he shall be held to have renounced his naturalization in Mexico. Reciprocally, if a Mexican naturalized in the United States renews his residence in Mexico without the intent to return to the United States, he shall be held to have renounced his naturalization in the United States.

The intent not to return may be held to exist when the person naturalized in the one country resides in the other country more than two years, but this presumption may be rebutted by evidence to the contrary.

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### MOROCCO.

*Convention concluded July 3, 1880. (See ante, Appendix I, Morocco, Article 15.)*

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### NORTH GERMAN UNION.

(See GERMANY.)

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### SWEDEN AND NORWAY.

*Convention and Protocol signed May 26, 1869.*

#### 1721. ARTICLE I.

Citizens of the United States of America who have resided in Sweden or Norway for a continuous period of at least five years, and during such residence have become and are lawfully recognized as citizens of Sweden or Norway, shall be held by the Government of the United States to be Swedish or Norwegian citizens, and shall be treated as such.

Reciprocally, citizens of Sweden or Norway who have resided in the United States of America for a continuous period of at least five years, and during such residence have become naturalized citizens of the United States, shall be held by the Government of Sweden and Norway to be American citizens, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of citizenship legally acquired.

#### 1722. ARTICLE II.

A recognized citizen of the one party, on returning to the territory of the other, remains liable for trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, but not for the emigration itself, saving always the limitation established by the laws of his original country, and any other remission of liability to punishment.

## 1723. ARTICLE III.

If a citizen of the one party, who has become a recognized citizen of the other party, takes up his abode once more in his original country, and applies to be restored to his former citizenship, the Government of the last-named country is authorized to receive him again as a citizen, on such conditions as the said Government may think proper.

## 1724. ARTICLE IV.

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part and Sweden and Norway on the other part, the 21st of March, 1860, remains in force without change.

## 1725. ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

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1726. PROTOCOL.

*Done at Stockholm, May 26, 1869.*

The undersigned met to-day to sign the convention agreed upon in conformity with their respective full powers, relating to the citizenship of those persons who emigrate from the United States of America to Sweden and Norway, and from Sweden and Norway to the United States of America; on which occasion the following observations, more exactly defining and explaining the contents of this convention, were entered in the following protocol:

## 1727. I. RELATING TO THE FIRST ARTICLE OF THE CONVENTION.

It is understood that if a citizen of the United States of America has been discharged from his American citizenship, or, on the other side, if a Swede or a Norwegian has been discharged from his Swedish or Norwegian citizenship, in the manner legally prescribed by the Government of his original country, and then in the other country in a rightful and perfectly valid manner acquires citizenship, then an additional

five years' residence shall no longer be required; but a person who has in that manner been recognized as a citizen of the other country shall, from the moment thereof, be held and treated as a Swedish or Norwegian citizen, and, reciprocally, as a citizen of the United States.

1728. II. RELATING TO THE SECOND ARTICLE OF THE CONVENTION.

If a former Swede or Norwegian, who under the first article is to be held as an adopted citizen of the United States of America, has emigrated after he has attained the age when he becomes liable to military service, and returns again to his original country, it is agreed that he remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration, but not for the act of emigration itself, unless thereby have been committed any punishable action against Sweden or Norway, or against a Swedish or Norwegian citizen, such as non-fulfillment of military service, or desertion from the military force or from a ship, saving always the limitation established by the laws of the original country, and any other remission of liability to punishment; and that he can be held to fulfill, according to the laws, his military service, or the remaining part thereof.

1729. III. RELATING TO THE THIRD ARTICLE OF THE CONVENTION.

It is further agreed that if a Swede or Norwegian, who has become a naturalized citizen of the United States, renews his residence in Sweden or Norway without the intent to return to America, he shall be held by the Government of the United States to have renounced his American citizenship.

The intent not to return to America may be held to exist when the person so naturalized resides more than two years in Sweden or Norway.

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WÜRTTEMBERG.

*Convention concluded July 27, 1868.*

1730. ARTICLE I.

Citizens of Württemberg who have become, or shall become, naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States five years, shall be held by Württemberg to be American citizens and treated as such. Reciprocally, citizens of the United States of America who have become, or

shall become, naturalized citizens of Württemberg and shall have resided uninterruptedly within Württemberg five years, shall be held by the United States to be citizens of Württemberg, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not, for either party, the effect of naturalization.

## 1731. ARTICLE II.

A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration; saving always the limitation established by the laws of his original country, or any other remission of liability to punishment.

## 1732. ARTICLE III.

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between Württemberg and the United States the 16th June, 1852 [13th October, 1853], remains in force without change.

## 1733. ARTICLE IV.

If a Württemberger, naturalized in America, renews his residence in Württemberg without the intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally, if an American, naturalized in Württemberg, renews his residence in the United States without the intent to return to Württemberg, he shall be held to have renounced his naturalization in Württemberg. The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

## 1734. ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention.

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APPENDIX No. V.

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MISCELLANEOUS





## MISCELLANEOUS.

### 1735. DIRECTIONS FOR THE TRANSMISSION OF PROCEEDS OF THE PROPERTY OF DECEASED SEAMEN TO THE DISTRICT JUDGES.

In remitting the proceeds of the property of deceased seamen to the district judges of the United States, consular officers are instructed to be guided by the following table. The drafts should be made payable "to the order of the United States district judge for the — district of —," and addressed to the said judge in care of the "Clerk of the United States district court," at the place designated as the principal place of holding the district courts in that district.

State.	District.	Principal place of holding court.
Alabama	Northern	No seaport.
Do	Middle	Do.
Do	Southern	Mobile.
Alaska	One	Sitka.
California	Northern	San Francisco.
Do	Southern	No seaport.
Connecticut	One	Hartford.
Delaware	do	Wilmington.
Florida	Northern	Pensacola.
Do	Southern	Key West.
Georgia	Northern	No seaport.
Do	Southern	Savannah.
Louisiana	Eastern	New Orleans.
Do	Western	No seaport.
Maine	One	Portland.
Maryland	do	Baltimore.
Massachusetts	do	Boston.
New Hampshire	do	Portsmouth.
New Jersey	do	Trenton.
New York	Northern	No seaport.
Do	Eastern	Brooklyn.
Do	Southern	New York.
North Carolina	Eastern	Wilmington.
Do	Western	No seaport.
Oregon	One	Portland.
Pennsylvania	Eastern	Philadelphia.
Do	Western	No seaport.
Rhode Island	One	Providence.
South Carolina	do	Charleston.
Texas	Northern	No seaport.
Do	Eastern	Galveston.
Do	Western	Brownsville.
Virginia	Eastern	Norfolk.
Do	Western	No seaport.
Washington	One	Olympia.

## 1736. LETTERS ROGATORY.

[Printed from Ex. Doc. No. 231, Fifty-first Congress, second session.]

DEPARTMENT OF STATE,  
Washington, March 25, 1887.

*To the Diplomatic and Consular Officers of the United States:*

Letters rogatory for the purpose of taking the testimony of persons residing in the United States, which may be material in suits pending in the courts of foreign countries, are frequently sent to this Department, usually with a note from the minister of foreign affairs of the foreign country or from its diplomatic representative here, requesting that the business may be attended to. It is not, however, the province of the Department of State to dispose of matters of this kind. Frequently witnesses whose testimony is sought reside in places far from this city, rendering it impracticable to have the testimony taken within the time at which it is required, in order to make it available.

It is, therefore, deemed advisable to issue this circular, to which are appended the provisions of the Revised Statutes of the United States regulating the taking of testimony in such cases. Other information upon the subject, which will be found useful to persons interested, is contained in the following

## DIRECTIONS.

Both circuit and district courts of the United States are held in each of the States at the following points:

In Alabama, at Huntsville, Birmingham, Montgomery, and Mobile; in Arkansas, at Little Rock; in California, at San Francisco and Los Angeles; in Colorado, at Denver, Pueblo, and Del Norte; in Connecticut, at New Haven and Hartford; in Delaware, at Wilmington; in Florida, at Tallahassee, Pensacola, Jacksonville, Key West, and Tampa; in Georgia, at Atlanta, Savannah, and Macon; in Illinois, at Chicago, Springfield, and Cairo; in Indiana, at New Albany, Evansville, Indianapolis, and Fort Wayne; in Iowa, at Dubuque, Fort Dodge, Sioux City, Keokuk, Council Bluffs, and Des Moines; in Kansas, at Fort Scott, Leavenworth, and Topeka; in Kentucky, at Frankfort, Covington, Louisville, and Paducah; in Louisiana, at New Orleans, Opelousas, Alexandria, Shreveport, and Monroe; in Maine, at Portland; in Maryland, at Baltimore; in Massachusetts, at Boston; in Michigan, at Port Huron, Detroit, Grand Rapids, and Marquette; in Minnesota, at St. Paul; in Mississippi, at Aberdeen, Oxford, and Jackson; in Missouri, at

St. Louis, Jefferson City, and Kansas City; in Nebraska, at Lincoln and Omaha; in Nevada, at Carson City; in New Hampshire, at Portsmouth and Concord; in New Jersey, at Trenton; in New York, at Canandaigua, Albany, Syracuse, Utica, New York, and Brooklyn; in North Carolina, at Raleigh, Greensboro, Statesville, Asheville, and Charlotte; in Ohio, at Cleveland, Toledo, Cincinnati, and Columbus; in Oregon, at Portland; in Pennsylvania, at Philadelphia, Erie, Pittsburg, Williamsport, and Scranton; in Rhode Island, at Newport and Providence; in South Carolina, at Charleston and Columbia; in Tennessee, at Knoxville, Chattanooga, Nashville, Jackson, and Memphis; in Texas, at Graham, Dallas, Waco, Galveston, Tyler, Jefferson, Austin, San Antonio, Brownsville, and El Paso; in Vermont, at Burlington, Windsor, and Rutland; in Virginia, at Richmond, Alexandria, Norfolk, Lynchburg, Abingdon, Harrisonburg, and Danville; in West Virginia, circuit court at Parkersburg, district court at Wheeling, Clarksburg, and Charleston; in Wisconsin, at Milwaukee, Oshkosh, Madison, Eau Claire, and La Crosse.

In some of the States district courts are held at other points in addition to those above specified.

The clerks of the courts of the United States are authorized to take depositions, and may be designated as commissioners for that purpose in letters rogatory, which, when returned, are to be used in the courts of foreign countries.

The letters rogatory may be addressed to the judge of either the circuit court of the United States for the State of ———, or the district court of the United States for the district of ——— (naming the State), praying the judge of that court to name and appoint the commissioner; or such letters may be addressed to the commissioner directly.

The letter or package should in all cases be directed to the clerk of the district or circuit court to which the letters rogatory are addressed. The clerk's office is at the place where the court holds its sessions.

I am, your obedient servant,

T. F. BAYARD.

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SECTIONS OF THE REVISED STATUTES RELATING TO LETTERS ROGATORY.

1737. SEC. 4071. The testimony of any witness residing within the United States, to be used in any suit for the recovery of money or property depending in any court in any foreign country with which the

United States are at peace, and in which the government of such foreign country shall be a party or shall have an interest, may be obtained, to be used in such suit. If a commission or letters rogatory to take such testimony, together with specific written interrogatories, accompanying the same, and addressed to such witness, shall have been issued from the court in which such suit is pending, on producing the same before the district judge of any district where the witness resides or shall be found, and on due proof being made to such judge that the testimony of any witness is material to the party desiring the same, such judge shall issue a summons to such witness requiring him to appear before the officer or commissioner named in such commission or letters rogatory, to testify in such suit. And no witness shall be compelled to appear or to testify under this section except for the purpose of answering such interrogatories so issued and accompanying such commission or letters: *Provided*, That when counsel for all the parties attend the examination, they may consent that questions in addition to those accompanying the commission or letters rogatory may be put to the witness, unless the commission or letters rogatory exclude such additional interrogatories. The summons shall specify the time and place at which the witness is required to attend, which place shall be within one hundred miles of the place where the witness resides or shall be served with such summons.

1738. SEC. 4072. No witness shall be required, on such examination or any other under letters rogatory, to make any disclosure or discovery which shall tend to criminate him either under the laws of the State or Territory within which such examination is had, or any other, or any foreign state.

1739. SEC. 4073. If any person shall refuse or neglect to appear at the time and place mentioned in the summons issued, in accordance with section forty hundred and seventy-one, or if upon his appearance he shall refuse to testify, he shall be liable to the same penalties as would be incurred for a like offense on the trial of a suit in the district court of the United States.

1740. SEC. 4074. Every witness who shall so appear and testify shall be allowed, and shall receive from the party at whose instance he shall have been summoned, the same fees and mileage as are allowed to witnesses in suits depending in the district courts of the United States.

1741. SEC. 875. When any commission or letter rogatory, issued to take the testimony of any witness in a foreign country, in any suit in which the United States are parties or have an interest, is executed by the court or the commissioner to whom it is directed, it shall be returned

by such court or commissioner to the minister or consul of the United States nearest the place where it is executed. On receiving the same, the said minister or consul shall indorse thereon a certificate, stating when and where the same was received, and that the said deposition is in the same condition as when he received it; and he shall thereupon transmit the said letter or commission, so executed and certified, by mail, to the clerk of the court from which the same issued, in the manner in which his official dispatches are transmitted to the Government. And the testimony of witnesses so taken and returned shall be read as evidence on the trial of the suit in which it was taken, without objection as to the method of returning the same. [When letters rogatory are addressed from any court of a foreign country to any circuit court of the United States, a commissioner of such circuit court designated by said court to make the examination of the witnesses mentioned in said letters, shall have power to compel the witnesses to appear and depose in the same manner as witnesses may be compelled to appear and testify in courts.]

LIST OF REGISTERS OR BOOKS OF RECORD OF PURE-BRED ANIMALS ENTITLED, UNDER PARAGRAPH 373 OF THE TARIFF ACT OF AUGUST 28, 1894, TO ADMISSION INTO THE UNITED STATES FREE OF DUTY.

1742. *American books.*  
HORSES.

Name of breed.	Name of book of record.
Thoroughbred .....	American Studbook.
American trotter .....	American Trotting Register.
Morgan .....	American Morgan Register.
Saddle horse .....	Register of the National Saddle Horse Breeders' Association.
Hackney .....	Studbook of the American Hackney Horse Society.
Do.....	Register of the American Hackney Studbook Association.
Cleveland bay .....	American Cleveland Bay Studbook.
Clydesdale .....	American Clydesdale Studbook.
Select Clydesdale.....	Studbook of the Select Clydesdale Horse Society of America.
Shire.....	American Shire Horse Studbook.
Suffolk.....	American Suffolk Horse Studbook.
Shetland pony.....	American Shetland Pony Club Studbook.
Percheron.....	Percheron Studbook of America.
French coach.....	French Coach Studbook of America.
German coach.....	German, Hanoverian, and Oldenburg Coach Horse Studbook of America.
Oldenburg.....	Register of the Oldenburg Coach Horse Association of America.
Belgian draft.....	Register of the American Association of Importers and Breeders of Belgian Draft Horses.
French draft.....	National Register of French Draft Horses.

## LIST OF REGISTERS OR BOOKS OF RECORD, ETC.—continued.

*American books—Continued.*

## ASSES.

Name of breed.	Name of book of record.
Jacks and jennets.....	American Jack Stock Studbook.

## CATTLE.

Shorthorn .....	American Shorthorn Herdbook.
Hereford .....	American Hereford Record.
Devon .....	American Devon Record.
Sussex .....	American Sussex Register.
Jersey .....	Herd Register of the American Jersey Cattle Club.
Guernsey .....	Herd Register of the American Guernsey Cattle Club.
Red polled .....	Red Polled Herdbook.
Ayrshire .....	Ayrshire Record.
Aberdeen-Angus .....	American Aberdeen-Angus Herdbook.
Galloway .....	American Galloway Herdbook.
Holstein-Friesian .....	Holstein-Friesian Herdbook.
Dutch belted .....	Herdbook of the Dutch Belted Cattle Association of America.
Polled Durham .....	American Polled Durham Herdbook.
Brown Swiss (Schwytz) .....	Swiss Record.

## SHEEP.

Merino (Spanish) .....	Register of the Vermont Merino Sheep Breeders Association.
Do .....	Register of Vermont Atwood Merino Sheep Club.
Do .....	Register of the New York State American Merino Sheep Breeders' Association.
Do .....	Register of the Standard American Merino Sheep Breeders' Association.
Do .....	Register of the Ohio Spanish Merino Sheep Breeders' Association.
Do .....	Register of the United States Merino Sheep Breeders' Association.
Do .....	Register of the Michigan Merino Sheep Breeders' Association.
Do .....	Register of the National Merino Sheep Breeders' Association.
Do .....	Register of the Missouri Merino Sheep Breeders' Association.
Do .....	American Merino Sheep Register.
Do .....	Wisconsin Merino Sheep Register.
Merino (French) .....	American Rambouillet Record.
Merino (Delaine) .....	National Delaine Merino Register.
Do .....	Improved Delaine Merino Register.
Do .....	Dickinson Spanish Merino Sheep Register.
Do .....	Black Top Spanish Merino Sheep Register.

## LIST OF REGISTERS OR BOOKS OF RECORD, ETC.—continued.

*American books—Continued.*

## SHEEP—Continued.

Name of breed.	Name of book of record.
Merino (Delaine).....	Improved Black Top Merino Record.
Do.....	Standard Delaine Merino Register.
Merino (Saxony).....	National Improved Saxony Sheep Register.
Shropshire.....	American Shropshire Sheep Record.
Hampshire Down.....	Record of Hampshire Down Breeders' Association of America.
Oxford Down.....	American Oxford Down Record.
Southdown.....	American Southdown Record.
Cheviot.....	Flock Book of the American Cheviot Sheep Breeders' Association.
Lincoln.....	American Lincoln Record.
Do.....	Register of the National Lincoln Sheep Breeders' Association.
Cotswold.....	American Cotswold Record.
Leicester.....	American Leicester Record.
Dorset Horn.....	Flock Record of the Dorset Horn Sheep Breeders' Association of America.
Suffolk.....	Register of the American Suffolk Flock Registry Association.

## SWINE.

Berkshire.....	American Berkshire Record.
Poland-China.....	American Poland-China Record.
Do.....	Central Poland-China Record.
Do.....	Ohio Poland-China Record.
Do.....	Standard Poland-China Record.
Do.....	Northwestern Poland-China Record.
Chester White.....	Chester White Record.
Do.....	Todd's Improved Chester White Record.
Duroc-Jersey.....	American Duroc-Jersey Record.
Do.....	Record of the National Duroc-Jersey Record Association.
Essex.....	American Essex Record.
Cheshire.....	Cheshire Herdbook.
Victoria.....	Record of the Victoria Swine Breeders' Association.
Small Yorkshire.....	Record of the Small Yorkshire Club.
Yorkshire.....	Register of American Yorkshire Club.

## DOGS.

Fifty-seven recognized breeds.	American Kennel Club Studbook.
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## LIST OF REGISTERS OR BOOKS OF RECORD, ETC.—continued.

1743. *Foreign books.*

## HORSES.

Name of breed.	Where bred.	Name of book of record.
Thoroughbred .....	Great Britain..	The General Studbook.
Do .....	France .....	Le Studbook Français.
Hackney .....	Great Britain..	Hackney Studbook.
Shire .....	do .....	Shire Horse Studbook.
Suffolk Punch .....	do .....	Suffolk Studbook.
Clydesdale .....	do .....	Clydesdale Studbook.
Select Clydesdale .....	do .....	Studbook of the Select Clydesdale Horse Society of Scotland.
Cleveland bay .....	do .....	Cleveland Bay Studbook.
Yorkshire coach .....	do .....	Yorkshire Coach-Horse Studbook.
Shetland pony .....	do .....	Shetland Pony Studbook.
Polo pony .....	do .....	Polo Pony Studbook.
Percheron .....	France .....	Studbook Percheron de France.
French draft .....	do .....	Studbook des Chevaux de Trait Français.
French coach .....	do .....	Le Studbook Français des Chevaux Demi-Sang.
Do .....	do .....	Studbook des Éleveurs Français de la Race des Chevaux Demi-Sang.
Oldenburg coach .....	Germany .....	Stammregister für den starken, eleganten Schlag des Oldenburgischen Kutschpferdes.
Oldenburg .....	do .....	Oldenburger Gestutbuch.
Holstein coach .....	do .....	Gestutbuch der Holsteinischen Marschen.
East Friesland coach .....	do .....	Ostfriesisches Stutbuch.
Hanoverian .....	do .....	Hanoverian Studbook.
Trakehnen .....	do .....	Ostpreussisches Stutbuch für edles Halbblut-Trakehnen.
Do .....	do .....	Stutbuch des königlich. preuss. Haupt-Gestuts-Trakehnen.
Belgian draft .....	Belgium .....	Studbook des Chevaux de Trait Belges.
Orloff .....	Russia .....	Record of the Imperial Russian Horse-Breeding Society.
Arab <sup>1</sup> .....	Ottoman Empire.	
Barb .....	Algeria .....	Le Studbook Algérien.

## ASSES.

Jacks and jennets ..	France .....	Studbook des Animaux de l'Espèce Mulassière. Race Chevaline et Race Asinine.
Do .....	Spain .....	Studbooks of Jacks and Jennets of Spain.
Do .....	Italy .....	Studbooks of Jacks and Jennets of Italy.

<sup>1</sup> Pedigrees of pure-bred Arab horses of five recognized breeds are carefully preserved. A certificate duly attested by a shiek is the best evidence of pure breeding. The recognized breeds are the Kehilan, Seglawi, Hamdani, Abeyan, and Managhi.



## LIST OF REGISTERS OR BOOKS OF RECORD, ETC.—continued.

*Foreign books—Continued.*

## CATTLE.

Name of breed.	Where bred.	Name of book of record.
Shorthorn .....	Great Britain..	Coates's Herdbook.
Do.....	France.....	Le Herdbook Français pour les Animaux de la Race Bovine de Durham.
Do.....	New Zealand..	New Zealand Shorthorn Herdbook
Hereford .....	Great Britain..	Herdbook of Hereford Cattle.
Devon.....	do.....	Davy's Devon Herdbook.
South Devon or Hams.....	do.....	Herdbook of South Devon Cattle.
Sussex.....	do.....	Sussex Herdbook.
Jersey.....	do.....	Jersey Herdbook.
Do.....	do.....	English Jersey Herdbook.
Guernsey.....	do.....	Guernsey Herdbook.
Do.....	do.....	English Guernsey Herdbook.
Red Polled.....	do.....	Red Polled Herdbook of Great Britain and Ireland.
Welsh.....	do.....	North Wales Black Cattle Herdbook.
Do.....	do.....	Welsh Black Cattle Herdbook.
Ayrshire.....	do.....	Ayrshire Herdbook.
Aberdeen-Angus.....	do.....	Polled Herdbook.
Galloway.....	do.....	Galloway Herdbook.
Highland.....	do.....	Highland Herdbook.
Kerry and Dexter Kerry.....	Great Britain and Ireland.	Kerry and Dexter Herdbook.
Norman.....	France.....	Herdbook de la Race Normande Pure.
Brittany.....	do.....	Herdbook de la Race Bretonne Pie Noire.
Friesian.....	Netherlands..	Friesian Herdbook (Friesch Rundvee Stamboek).
Brown Swiss (Schwytz).....	Switzerland ..	Schweizerisches (Braunvieh-Race).
Simmenthal (Berner-Fleckvieh).....	do.....	Heerdbuch (Berner-Flockvieh.)
Oldenburg.....	Germany.....	Herbuch für die Oldenburgischen Wesermarschen.
Jeverland.....	do.....	Herbuch für die Marchen des Jeverland.
Holsteinische Elbmarsch.....	do.....	Herbuch für die Viehzucht-Vereins für die Holsteinische Elbmarsch.
Hollander.....	East Prussia..	Ostpreussisches Herdbuch.
Do.....	West Prussia..	Westpreussisches Herdbuch.
Do.....	Pomerania.....	Baltisches Herdbuch.
Ostfriesischer Breitenberger und Whilstermarsch.....	East Friesland. East Prussia..	Stammbuch Ostfriesischer Rindviehschläge. Ostpreussisches Herdbuch für die Breitenberger und Whilstermarsch-Racen.

## SHEEP.

Hampshire Down ..	Great Britain..	Hampshire Down Flock Book.
Oxford Down.....	do.....	Oxford Down Flock Book.
Shropshire.....	do.....	Shropshire Flock Book.
Suffolk.....	do.....	Suffolk Flock Book.
Wensleydale .....	do.....	Wensleydale Flock Book.

## LIST OF REGISTERS OR BOOKS OF RECORD, ETC.—continued.

*Foreign books—Continued.*

## SHEEP—Continued.

Name of breed.	Where bred.	Name of book of record.
Wensleydale.....	Great Britain..	Wensleydale Bluefaced Sheep Flock Book.
Cheviot.....	do.....	Cheviot Sheep Flock Book.
Dorset Horn.....	do.....	Dorset Flock Book.
Southdown.....	do.....	Southdown Flock Book.
Lincoln.....	do.....	Lincoln Long Wool Sheep Breeders' Flock Book.
Cotswold.....	do.....	Cotswold Flock Book.
Leicester.....	do.....	Improved Leicester Flock Book.

## SWINE.

Berkshire.....	Great Britain..	British Berkshire Herdbook.
Black or Suffolk.....	} do.....	Herdbook of the National Pig Breeders' Association.
Large White.....		
Middle White.....		
Small White.....		
Tamworth.....		

## DOGS.

Fifty-seven recognized breeds.	Great Britain..	Kennel Club Studbook.
Greyhound.....	do.....	Greyhound Studbook.

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APPENDIX VI.

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FORMS.

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# FORMS.

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## FORM NO. 1.

[See R. S. 1757 and act of May 13, 1884, 23 Stat., p. 22.]

### *Oath of allegiance and office.*

(Paragraphs 33, 45.)

I, \_\_\_\_\_, of \_\_\_\_\_, appointed \_\_\_\_\_ of the United States at \_\_\_\_\_, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

\_\_\_\_\_.

Sworn and subscribed before me, a \_\_\_\_\_ in and for the \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 189—.

\_\_\_\_\_.

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## FORM NO. 2.

### *Bond for consular officers who are not permitted to engage in trade.*

(Paragraph 35.)

Know all men by these presents: That we, \_\_\_\_\_, principal, and \_\_\_\_\_ and \_\_\_\_\_, sureties, the two last named being citizens of the United States residing at \_\_\_\_\_, State of \_\_\_\_\_, are held and firmly bound to the United States of America in the sum of \_\_\_\_\_ thousand dollars, money of the said United States, to the payment whereof

we bind ourselves, jointly and severally, our joint and several heirs, executors, and administrators.

Witness our hands and seals this — day of —, 189—.

The condition of the above obligation is such, that if the above bounden —, appointed — of the United States at —, shall truly and faithfully discharge the duties of his said office according to law, and shall truly and faithfully account for, pay over, and deliver up all fees, moneys, goods, effects, books, records, papers, and other property which shall come into the hands of the said —, or into the hands of any person for his use as such — under any law now or hereafter enacted, and that he will truly and faithfully perform all other duties now or hereafter lawfully imposed upon him as such —. And these presents are subject to this other and further condition, that he, the said —, will not, while he holds the said office, be interested in or transact any business as a merchant, factor, broker, or other trader, or as a clerk or other agent for any such person, to, from, or within the port, place, or limits of his consular district, directly or indirectly, either in his own name or in the name or through the agency of any other person; and, in case he, the said —, shall violate the provisions of this condition, that then the above-named obligors shall be liable to said obligees to a penalty for the breach of such condition in a sum equal to the amount of the annual compensation of said —, which is hereby stipulated, agreed upon, and admitted by way of liquidated damages; but that this condition shall not impair or prevent the right of the United States to prosecute said — for the recovery of said penalty against him, the said —, individually, the same as if this bond had not been given; and if the said — shall conform to all the above conditions, then this obligation to be void; otherwise, to remain in full force.

— [SEAL.]

— [SEAL.]

— [SEAL.]

Signed, sealed, and delivered in the presence of—  
—

STATE OF —, *County of* —, ss:

I, —, the within-named surety on the official bond of —, appointed — at —, do solemnly — that I am reasonably worth the sum of — dollars over and above all debts, liabilities, and property exempt from execution, and that I executed and delivered the

within bond without any condition, reservation, or agreement other than appears on the face thereof.

My address is No. ——— street, ———.

—————,  
—————.

Subscribed and sworn to before me this — day of ———, 189—.

Witness my hand and seal.

————— [L. S.]

STATE OF ———, *County of* ———, *ss:*

I, ———, the within-named surety on the official bond of ———, appointed ——— at ———, do solemnly ——— that I am reasonably worth the sum of ——— dollars over and above all debts, liabilities, and property exempt from execution, and that I executed and delivered the within bond without any condition, reservation, or agreement other than appears on the face thereof.

My address is No. ——— street, ———.

—————,  
—————.

Subscribed and sworn to before me this — day of ———, 189—.

Witness my hand and seal.

————— [L. S.]

I, ———, hereby certify that ——— and ———, the sureties named in the within bond, are severally sufficient to pay the penalty thereof, and that they are citizens of ——— and residents of ———.

Dated at ———, 189—.

DEPARTMENT OF STATE,  
*Washington,* ———, 189—.

Approved.

—————,  
*Secretary of State.*

Mr. ———.

—————,  
*Chief of the Consular Bureau.*

The following instructions must be particularly observed and complied with:

1st. The Christian names must be written in the body of the bond in full, and so signed to the bond.

2d. A seal to be attached to each signature.

3d. Each signature must be made in the presence of two persons, who must sign their names as witnesses.

4th. The United States attorney of the district in which the sureties reside, or the Member of Congress for the district, or one of the Senators of the State from which he is appointed, must certify that they are sufficient to pay the penalty of the bond and are citizens of the United States. The place of residence of the sureties must also be stated. This requirement being for the benefit of the Secretary of State, he may substitute any other for it in any particular case, in order to enable him to be satisfied of the sufficiency of the sureties.

5th. Bond to be dated.

6th. Married women will not be accepted as sureties; but by the act of August 13, 1894, a security or guaranty company which has complied with the provisions of that act is permitted to become surety on a consul's bond in lieu of individual sureties.

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FORM NO. 3.

*Bond for consular officers who are permitted to engage in trade.*

(Paragraphs 35, 43.)

Know all men by these presents that, we, \_\_\_\_\_, principal, and \_\_\_\_\_ and \_\_\_\_\_, sureties, are held and firmly bound to the United States of America in the sum of \_\_\_\_\_ thousand dollars, money of the said United States, to the payment whereof we bind ourselves, jointly and severally, our joint and several heirs, executors, and administrators.

Witness our hand and seals this \_\_\_\_\_ day of \_\_\_\_\_, 189—.

The condition of the above obligation is such, that if the above-bounden \_\_\_\_\_, appointed \_\_\_\_\_ of the United States at \_\_\_\_\_, shall truly and faithfully discharge the duties of his said office according to law, and shall also truly and faithfully account for, pay over, and deliver up all moneys, goods, effects, books, records, papers, and other property which shall come into the hands of the said \_\_\_\_\_, or into the hands of any person for his use as such \_\_\_\_\_, under any law now or hereafter enacted, and faithfully perform all other duties now or hereafter lawfully imposed upon him as such \_\_\_\_\_, then this obligation to be void; otherwise to remain in full force.

\_\_\_\_\_. [SEAL.]

\_\_\_\_\_. [SEAL.]

\_\_\_\_\_. [SEAL.]

Signed, sealed, and delivered in the presence of—

\_\_\_\_\_.  
\_\_\_\_\_.



The following instructions must be particularly observed and complied with:  
1st. The Christian names must be written in the body of the bond in full, and so signed in the bond.

2d. A seal to be attached to each signature.

3d. Each signature must be made in the presence of two persons, who must sign their names as witnesses.

4th. The United States attorney of the district in which the sureties reside must certify that they are sufficient to pay the penalty of the bond and are citizens of the United States. If, however, the sureties are not citizens of the United States, their sufficiency to pay the penalty of the bond should be certified by the consul.

5th. Bond to be dated.

6th. Married women will not be accepted as sureties; but by the act of August 13, 1894, a security or guaranty company which has complied with the provisions of that act is permitted to become security on a consul's bond in lieu of individual sureties.

7th. Oath of sureties and certificate of their solvency same as in Form No. 2, except as indicated in the 4th instruction above.

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FORM NO. 4.

(Omitted.)

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FORM NO. 5.

*Joint certificate of the outgoing and incoming officers.*

(Paragraphs 57, 58.)

— OF THE UNITED STATES —, —, 189—.

We certify, on this the — day of —, the services of A B ceased, and he is entitled to his salary, or fees, including said day; and that the services of C D commenced the day following, he having received the archives, a full and complete inventory of which is hereto annexed, as required by paragraph — of the Consular Regulations.

—, U. S. Consul.

—, late U. S. Consul.

## FORM NO. 6.

*Form for the first (or outside) page of a dispatch.*

(Paragraph 120.)

[For the form of the same dispatch see No. 7.]

[No. ——.]	CONSULATE OF THE UNITED STATES AT ——.
	—— ———, 189—.
Mr. ——	to the Department of State:
<i>Subject.</i> —Loss of ship Boston.	
<i>Abstract of contents.</i>	
Ship lost at sea August —, —; crew saved by British brig London. An acknowledgment recommended. Master's protest inclosed.	

## FORM NO. 7.

*Form for a dispatch and inclosure.*

(Paragraph 120.)

[This dispatch should commence on the third page of the first sheet.]

[No. ——.] CONSULATE OF THE UNITED STATES,  
 ——, 189—.

\_\_\_\_\_,  
*Assistant Secretary of State,*  
*Washington, D. C.*

SIR: I have to report that, on the 10th instant, the ship Boston, of New York, bound for this port, took fire at sea in latitude ——, longitude ——. —— miles distant from this port. No passengers were on board. The officers and crew took to their boats, after vain efforts to save the vessel and cargo. They were rescued and brought into this port by the British brig London, John Fox, master, whose conduct on the occasion was such

as to lead me to recommend that it be suitably acknowledged by the Government of the United States. The details of the loss will be found in the protest of the master, a copy of which is inclosed. The crew are entirely destitute, and have been relieved at this Consulate. They will be returned to the United States by the earliest opportunity.

I am, sir, your obedient servant,

\_\_\_\_\_,  
U. S. Consul.

[Inclosure.]

1. Copy of protest of master of ship Boston, dated \_\_\_\_\_, 189—.

FORM NO. 8.

*Address of envelopes.*

(Paragraph 129.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_.

To the  
Department of State,  
Washington,  
D. C.

FORM NO. 9.

*Consular passport.*

(Paragraph 156.)

CONSULATE OF THE UNITED STATES OF AMERICA.

*To all to whom these presents shall come, greeting:*

Age, — years.	I, the undersigned, Consul of the United States of America for _____, and the dependencies thereof, hereby request all whom it may concern to permit safely and freely to pass _____, a citizen of the United States, and, in case of need, to give him all lawful aid and protection.
Stature.	
Forehead.	
Eyes.	
Nose.	
Mouth.	
Chin.	
Hair.	
Complexion.	
Face.	

Given under my hand and the seal of the Consulate at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 189—, and in the year of the Independence of the United States \_\_\_\_\_.

[SEAL.]

\_\_\_\_\_,  
U. S. Consul.

## FORM NO. 10.

*Form for a visa of a passport.*

(Paragraph 160.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
 \_\_\_\_\_, 189—.

Good.<sup>1</sup>  
 [L. S.] \_\_\_\_\_,  
 U. S. Consul.

## FORM NO. 11.

(Omitted.)

## FORM NO. 12.

*Certificate to be used in prosecutions of masters of vessels for refusal to deposit papers.*

(Paragraph 178.)

UNITED STATES CONSULATE, \_\_\_\_\_, 189—.

SIR: A penalty is supposed to have been incurred by [*James Johnson*], of [*New Orleans, commander of the brig Jackson, of that place*], for a violation of sections 4309 and 4310 of the Revised Statutes of the United States for [*refusing to deposit the papers of the said brig with such consul*], and for which he is liable to be prosecuted in my name as consul of the United States for this port.

You, or the proper law officer of the United States, are authorized, at their proper costs and charges, to institute in my name a suit to recover the same for their use and benefit, and the same to control and to discharge according to law in such court having jurisdiction thereof as you or he shall deem proper.

Witness my hand and consular seal.

[L. S.] \_\_\_\_\_,

U. S. Consul.

Hon. \_\_\_\_\_,  
*Secretary of State.*

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<sup>1</sup> The equivalent for "good" in the language of the country should be used.

## FORM NO. 13.

<sup>1</sup>*Certificate given to master on deposit of ship's register and papers.*

(Paragraphs 179, 525.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 189—.

I, the undersigned, consul of the United States of America, for \_\_\_\_\_ and the dependencies thereof, do hereby certify that \_\_\_\_\_, master of the \_\_\_\_\_, has duly deposited in this consulate the register of the said \_\_\_\_\_, together with the crew list and shipping articles.

Given under my hand and the seal of this consulate, the day and year above written.

[L. S.]

\_\_\_\_\_,  
U. S. Consul.

## FORM NO. 14.

<sup>1</sup>*Certificate given to master on delivery of ship's register and papers.*

(Paragraphs 180, 525.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 189—.

I, the undersigned, consul of the United States of America, for \_\_\_\_\_ and the dependencies thereof, do hereby certify that \_\_\_\_\_, master of the ship or vessel called the \_\_\_\_\_, of \_\_\_\_\_, having this day exhibited to me the clearance of said vessel from the proper authorities of this port, I have delivered to him, the said master, the register and papers of the said vessel, duly deposited in this consulate on the \_\_\_\_\_ day of \_\_\_\_\_, 189—.

Given under my hand and the seal of this consulate the day and year above written.

[L. S.]

\_\_\_\_\_,  
U. S. Consul.

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<sup>1</sup> No extra charge is to be made for this certificate.

## FORM NO. 15.

*Shipping agreement between master and crew.*

(Paragraph 189.)

## UNITED STATES OF AMERICA:

(Date and place of first signature of agreement, including name of Consular Officer.)

It is agreed between the master and seamen or mariners of the ———, of which ——— is at present master, or whoever shall go for master, now bound from the port of<sup>1</sup> ——— to ——— and such other ports and places in any part of the world as the master may direct and back to a final port of discharge in the United States, for a term not exceeding ——— calendar months.<sup>2</sup>

And the said crew agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful command of the said master, or of any person who shall lawfully succeed him, and of their superior officers, in everything relating to the said ship, and the stores and cargo thereof, whether on board, in boats, or on shore; and in consideration of which service, to be duly performed, the said master hereby agrees to pay to the said crew as wages the sums against their names respectively expressed, and to supply them with provisions according to the annexed scale. And it is hereby agreed that any embezzlement or willful or negligent destruction of any part of the ship's cargo or stores shall be made good to the owner out of the wages of the person guilty of the same. And if any person enters himself as qualified for a duty which he proves himself incompetent to perform, his wages shall be reduced in proportion to his incompetency. And it is also agreed that if any member of the crew considers himself to be aggrieved by any breach of the agreement, or otherwise, he shall represent the same to the master or officer in charge of the ship, in a quiet and orderly manner, who shall thereupon take such steps as the case may require. And it is also agreed that (here any other stipulations may be inserted to which the parties agree, and which are not contrary to law).

<sup>1</sup> Here the voyage is to be described, and the places named at which the ship is to touch, or, if that can not be done, the general nature and probable length of the voyage is to be stated, and the port or country at which the voyage is to terminate.

<sup>2</sup> If these words are not necessary they must be stricken out.

In witness whereof the said parties have subscribed their names hereto on the days against their respective signatures mentioned.

Signed by \_\_\_\_\_, master, on the \_\_\_\_\_ day of \_\_\_\_\_, eighteen hundred and \_\_\_\_\_.

Signature of seaman.	Height.		Description.	Wages per month.	Wages per run.	Advance wages.	Amount of monthly allotment.	Time of service.		Hospital money.	Whole wages.	Wages due.	Place and time of entry.	Time at which he is to be on board.	In what capacity.	Shipping commissioner's signature or initials.	Allotment payable to—	Conduct, qualifications.
Birthplace.	Feet.	Inches.						Complexion.	Months.									
Age.			Hair.															

NOTE.—In the place for signatures and descriptions of men engaged after the first departure of the ship the entries are to be made as above, except that the signature of the Consul or Vice-Consul, officer of customs, or witness before whom the man is engaged, is to be substituted for that of the shipping master.

*Account of apprentices on board.*

Christian and surname of apprentice in full.	Date of registry of indenture	Port at which indenture was registered.	Date of register of assignment.	Port at which assignment was registered.

TABLE D.—(To be inserted in agreement.)—Scale of provisions to be allowed and served out to the crew during the voyage.

	Bread.	Beef.	Pork.	Flour.	Pease.	Rice.	Barley.	Tea.	Coffee.	Sugar.	Water.
	Lbs.	Lbs.	Lbs.	Lbs.	Pts.	Pts.	Pts.	Ozs.	Ozs.	Ozs.	Qts.
Sunday .....	1	1½	1½	½	½	.....	.....	.....	.....	.....	.....
Monday .....	1	1½	1½	.....	.....	.....	.....	.....	.....	.....	.....
Tuesday .....	1	1½	1½	.....	.....	.....	.....	.....	.....	.....	.....
Wednesday .....	1	1½	1½	.....	.....	.....	.....	.....	.....	.....	.....
Thursday .....	1	1½	1½	.....	.....	.....	.....	.....	.....	.....	.....
Friday .....	1	1½	1½	.....	.....	.....	.....	.....	.....	.....	.....
Saturday .....	1	1½	.....	.....	.....	.....	.....	.....	.....	.....	.....

(Here any stipulation for changes, or substitution of one article for another, may be inserted.)

## SUBSTITUTES.

One ounce of coffee, or cocoa, or chocolate, may be substituted for one quarter ounce of tea; molasses for sugar, the quantity to be one-half more; one pound of potatoes or yams, one-half pound flour or rice, one-third pint of pease, or one-quarter pint of barley, may be substituted for each other. When fresh meat is issued, the proportion to be two pounds per man per day, in lieu of salt meat. Flour, rice, and pease, beef and pork, may be substituted for each other. and for potatoes onions may be substituted.

## FORM No. 16.

*Acknowledgment and indorsement on shipping agreement between master and crew.*

(Paragraph 189.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,

On this — day of —, A. D. 189—, appeared before me, ———, consul of the United States at ———, A B, etc., all personally known to me, and in my presence signed the within agreement with my sanction, and in all respects complied with the requirements of the act approved June 7, 1872, entitled “An act to authorize the appointment of shipping-commissioners by the several circuit courts of the United States, to



superintend the shipping and discharge of seamen engaged in merchant-ships belonging to the United States, and for the further protection of seamen." And I do certify that the said A B, etc., each for himself, acknowledged that he had read or had heard read the said agreement and understood the same, and that while sober and not in a state of intoxication he signed it freely and voluntarily for the uses and purposes therein mentioned.

Given under my hand and the seal of this consulate the day and year first above written.

[SEAL.]

\_\_\_\_\_,  
U. S. Consul.

FORM NO. 17.

*Certificate of discharge of seamen, to be attached to crew lists and shipping articles.*

(Paragraph 209.)

CONSULATE OF THE UNITED STATES,

\_\_\_\_\_, \_\_\_\_\_, 189—.

Ship's name, _____.	Character, _____.
Official number, _____.	Capacity, _____.
Seaman's name, _____.	Height, _____.
Port of registry, _____.	Complexion, _____.
Tonnage, _____.	Color of hair, _____.
Description of voyage, _____.	Color of eyes, _____.
Seaman's age, _____.	Date and cause of discharge, _____.
Place of birth, _____.	Place of discharge, _____.

I hereby certify that the particulars herein stated are correct, and that the above-named seaman was discharged accordingly.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 189—.

\_\_\_\_\_,  
Master.

\_\_\_\_\_,  
Seaman.

Given to the above-named seaman in my presence this \_\_\_\_\_ day of \_\_\_\_\_, 189—.

[SEAL.]

\_\_\_\_\_,  
U. S. Consul.

## FORM No. 18.

*Certificate of discharge of seaman.*

(Paragraph 209.)

CONSULATE OF THE UNITED STATES OF AMERICA,

\_\_\_\_\_, \_\_\_\_\_, 189—.

Name of ship, \_\_\_\_\_.

Official number, \_\_\_\_\_.

Port of registry, \_\_\_\_\_.

Tonnage, \_\_\_\_\_.

Description of voyage or employment, \_\_\_\_\_.

Name of seaman, \_\_\_\_\_.

Place of birth, \_\_\_\_\_.

Age, \_\_\_\_\_ years.

Character, \_\_\_\_\_.

Ability, \_\_\_\_\_.

Capacity, \_\_\_\_\_.

Date of entry, \_\_\_\_\_, 189—.

Date of discharge, \_\_\_\_\_, 189—.

Place of discharge, \_\_\_\_\_.

I certify that the above particulars are correct, and that the above-named seaman was discharged accordingly.

\_\_\_\_\_,

*Seaman.*

\_\_\_\_\_,

*Master.*

Given to the above-named seaman in my presence this \_\_\_\_\_ day of \_\_\_\_\_, eighteen hundred and ninety—.

\_\_\_\_\_,

*U. S. Consul.*

## FORM No. 19.

*Certificate and oath of a new master appointed by consul.*

(Paragraph 216.)

I, \_\_\_\_\_, do solemnly and truly swear that I am a citizen of the United States of America, having been born in \_\_\_\_\_ [or naturalized, as the case may be].

Sworn and subscribed to this \_\_\_\_\_ day of \_\_\_\_\_, before me.

\_\_\_\_\_,

*U. S. Consul.*

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 189—.

I, the undersigned, consul of the United States of America, etc., do hereby certify that \_\_\_\_\_, having taken and subscribed the oath required by law, is at present master of the \_\_\_\_\_, of \_\_\_\_\_, in lieu of \_\_\_\_\_, the former master.

Given, etc.

\_\_\_\_\_,  
U. S. Consul.

FORM NO. 20.

*Declared-export return.*

(Paragraphs 586, 587.)

*Statement showing the declared value of exports from the consular district of \_\_\_\_\_ to the United States during the four quarters of the year ended \_\_\_\_\_, \_\_\_\_\_.*

Articles.	Quarters ending—				Total for the year.
	September 31, 1884.	December 31, 1885.	March 30, 1885.	June 30, 1885.	

\_\_\_\_\_,  
U. S. Consul.

NOTE.—This form is to be filled up and sent to the Department of State at the end of each fiscal year. The articles of export are to be arranged in alphabetical order.

FORM NO. 21.

*Certificate for cancellation of crew bond.*

(Paragraph 197.)

CONSULATE OF THE UNITED STATES AT \_\_\_\_\_,  
\_\_\_\_\_, 189—.

SIR: The accompanying list contains the names, places of birth, residence, and description of persons composing the crew of the \_\_\_\_\_, of

\_\_\_\_\_, whereof \_\_\_\_\_ is master, granted in the district of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 189—, and shows who of said crew have been discharged by me, or who have died, absconded, or been forcibly impressed into other service. New articles have been certified in place of those certified at your port.

Respectfully, yours,

\_\_\_\_\_,  
U. S. Consul.

To the COLLECTOR OF CUSTOMS,  
Port of \_\_\_\_\_, United States of America.

FORM NO. 22.

*Order to send seaman to hospital.*

(Paragraph 272.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 189—.

SIR: You will please admit into your hospital \_\_\_\_\_, an invalid destitute American seaman, requiring medical aid, for account of this Consulate.

I am, sir, your obedient servant,

\_\_\_\_\_,  
U. S. Consul.

\_\_\_\_\_, M. D.

FORM NO. 23.

*Certificate given to masters whose seamen leave hospital against physician's advice.*

(Paragraph 272.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 189—.

I, the undersigned, Consul, etc., do hereby certify that \_\_\_\_\_, who has been duly shipped before me in the \_\_\_\_\_, of \_\_\_\_\_, \_\_\_\_\_ master, was sent to the hospital at this port by me upon his own application, and, after being examined by the attending physician of the said hospital, was pronounced a fit subject and duly admitted to be cured of the \_\_\_\_\_ disease. That, contrary to the advice and opinion of the said attending physician, the said \_\_\_\_\_ left the hospital a few days

thereafter, insisting that he was well and able to do seaman's duty and return home. That, in consequence of his ill-health and liability to go upon the sick-list at sea, several masters of American vessels refused to ship him before he entered on board of the —— as aforesaid; and this certificate is granted to Captain ——, at his own request, to protect him hereafter should the said ——, in consequence of the disease aforesaid, be unable to perform the duty required of him as a seaman on the voyage from this port to ——.

Given, etc.

\_\_\_\_\_,  
U. S. Consul.

FORM NO. 24.

*Certificate given by consular officers to masters of vessels transporting to the United States destitute American seamen.*

(Paragraph 282.)

CONSULATE OF THE UNITED STATES OF AMERICA.

\_\_\_\_\_, 189—.

I, the undersigned, Consular Officer of the United States of America at ——, do hereby certify that I have sent to ——, on board the American ——, —— tons burden, whereof (full name) —— is master, the following-named destitute American seamen:

Names of seamen.	Name of vessel on which they last served.	Port belonging to.

and have agreed with the said master that on presentation of this certificate at the Treasury Department, bearing an indorsement of the collector of customs at the port of —— aforesaid, that the seamen herein mentioned have arrived in said vessel within his district, he shall and will be entitled to receive the sum of —— dollars for —— passage, being the sum of —— dollars for each seaman. But if the voyage shall continue beyond the period of thirty days from the date of sailing, and it shall be so certified by the collector of customs, the said master shall and will be entitled to receive the sum of —— dollars for their

passage, being the sum of \_\_\_\_\_ dollars for each seaman, in conformity to section 9 of the act of June 26, 1884, and section 18 of the act of June 19, 1886.

And I further certify that the regular charge for a steerage passage on said vessel from this port of \_\_\_\_\_ in the United States is \$\_\_\_\_\_, and that the distance is \_\_\_\_\_ miles.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 189—.

\_\_\_\_\_,  
U. S. Consul.<sup>1</sup>

CUSTOM-HOUSE, COLLECTOR'S OFFICE,  
\_\_\_\_\_ —, 189—.

I hereby certify under seal of my office that the seamen, to the number of \_\_\_\_\_, named in the within consular certificate, have arrived within this district in the within-named vessel, of \_\_\_\_\_ tons burden, as per register on file in this office, and that the voyage from \_\_\_\_\_ covered a period of \_\_\_\_\_ days, and that \_\_\_\_\_ performed no duty on the voyage by reason of inability.

[SEAL.]

\_\_\_\_\_,  
Collector.

\_\_\_\_\_  
FORM NO. 25.

(Omitted.)

\_\_\_\_\_  
FORM NO. 26.

*Affidavit or certificate of attending physician.*

(Paragraph 284.)

I hereby swear (or certify, as the case may be) that A B, C D, and E F, sick American seamen, were attended by me during the quarter ending the \_\_\_\_\_ day of \_\_\_\_\_, 189—, and that the health of the said named persons was such during that time that it would have endangered their lives to have sent them on their homeward voyage.

\_\_\_\_\_, M. D.

<sup>1</sup> If the vessel is a foreign one its nationality must be stated in this certificate by the consular officer, with the reason for engaging passage thereon instead of on an American vessel.

Whenever a seaman is unable to perform duty the consular officer must state on this certificate the nature and cause of his disability, and what in his opinion will be a fair and reasonable allowance in addition to the rate fixed by law for the passage of a seaman who can perform duty.

## FORM NO. 27.

*Complaint by crew of bad quality or insufficient quantity of provisions or water.*

(Paragraph 316.)

To ———, *Consul of the United States at* ———:

The undersigned, three or more of the crew of the ———, a merchant ship of the United States, complain that the provisions [or water] [or both] for the use of the crew of the said vessel are of bad quality and unfit for use [or are deficient in quantity], and request an examination of the same according to law.

Dated at ———, the ——— day of ———, 189—.

[Signatures.]

## FORM NO. 28.

*Notice to master of result of examination on complaint of crew.*

(Paragraph 316.)

CONSULATE OF THE UNITED STATES AT ———,  
—————, 189—.

To ———, *master of the* ———, *a merchant ship of the United States now in this port:*

I hereby signify to you in writing that on complaint made on the ——— day of ———, by ———, ———, and ———, a part of the crew of the said vessel, I have this day examined the provisions [and water] [or either of them, as the case may be] for the use of the crew of the said vessel, and have found them to be [or not to be] of bad quality and unfit for use [or deficient in quantity].

Given under my hand and the seal of the consulate this ——— day of ———, A. D. 189—.

[SEAL.]

—————, *U. S. Consul.*

## FORM NO. 29.

*Entry of result of examination in log book of vessel.*

(Paragraph 316.)

CONSULATE OF THE UNITED STATES AT \_\_\_\_\_,  
\_\_\_\_\_, 189—.On complaint made by \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_,  
a part of the crew of the \_\_\_\_\_, I have this day examined [as in form 28].  
\_\_\_\_\_, U. S. Consul.

## FORM NO. 30.

*Report to the district judge of the United States.*

(Paragraph 316, Appendix V.)

CONSULATE OF THE UNITED STATES AT \_\_\_\_\_,  
\_\_\_\_\_, 189—.To \_\_\_\_\_, *District Judge of the*  
*United States for the district of \_\_\_\_\_:*

In compliance with the provisions of Title LIII of the Revised Statutes, I have the honor to report that on the \_\_\_\_\_ day of \_\_\_\_\_, 189—, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, a part of the crew of the \_\_\_\_\_, a merchant ship of the United States then in this port, bound for the port of \_\_\_\_\_, made complaint to me that [recite complaint]; that thereupon, on the \_\_\_\_\_ day of \_\_\_\_\_, I examined the said provisions and water, and found them [recite finding], and signified the same in writing to the master, and entered a statement thereof in the log book of the said \_\_\_\_\_.

Witness my hand and the Consular seal at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 189—.

[SEAL.]

\_\_\_\_\_,  
U. S. Consul.



## FORM NO. 31.

*Request to local authorities to imprison seamen or mariners.*

(Paragraphs 299, 320, and 353.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 189—.

SIR: \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, part of the crew of the \_\_\_\_\_ of \_\_\_\_\_, whereof \_\_\_\_\_ is master, recently arrived in this port from \_\_\_\_\_, having conducted themselves in an improper and insubordinate manner on board, and positively refused to do duty, I have the honor respectfully to request that you will please cause the said-named persons to be arrested, brought on shore, and imprisoned until I can find it expedient to give them their liberty.

I have the honor to be, sir, your obedient servant,

\_\_\_\_\_,  
U. S. Consul.

To \_\_\_\_\_,  
Captain [or other authorities of the port].

## FORM NO. 32.

*Request to same to release same from prison.*

(Paragraphs 299, 320, and 353.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 189—.

SIR: I have the honor to request that you will please cause to be released from prison \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, the seamen or mariners belonging to the \_\_\_\_\_, \_\_\_\_\_ master.

I have the honor to be, sir,

\_\_\_\_\_,  
U. S. Consul.

To \_\_\_\_\_,  
Captain [or other authorities of the port].

## FORM NO. 33.

*Oath and declaration of master to desertion of seamen or mariners.*

(Paragraph 300.)

CONSULATE OF THE UNITED STATES OF AMERICA,  
\_\_\_\_\_, \_\_\_\_\_, 189—.

I, \_\_\_\_\_, master of the ship \_\_\_\_\_, of \_\_\_\_\_, now lying in the port of \_\_\_\_\_, do hereby make oath, in due form of law, that the seamen or mariners hereinafter named, and who are noted on the crew list of the said vessel as deserters, absconded from the said ship \_\_\_\_\_ at the ports or places hereinafter named, without my knowledge or consent, at or about the times hereinafter placed opposite their names respectively:

Name.	Place.	Time.

\_\_\_\_\_,  
Master.

Subscribed and sworn to before me, \_\_\_\_\_, Consul of the United States, this \_\_\_\_\_ day of \_\_\_\_\_, 189—.

[L. S.]

\_\_\_\_\_,  
U. S. Consul.

## FORM NO. 34.

*Request to local authorities for the arrest of deserters.*

(Paragraphs 299, 306, and 320.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 189—.

SIR: \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, three of the seamen belonging to the \_\_\_\_\_, of \_\_\_\_\_, whereof \_\_\_\_\_ is master,

recently arrived from ———, having absconded at this port from the said ———, I have the honor respectfully, in pursuance of the provisions of the terms of the treaty of ———, 18—, between the United States and ———, to request that you will please cause warrants to be issued for their arrest and imprisonment, and that they be retained subject to the order of this Consulate.

I have the honor to be, sir,

—————,  
U. S. Consul.

To ——— ———.

FORM NO. 35.

*Certificate to be issued to citizens of the United States being purchasers of American or foreign-built vessels in a foreign port.*

(Paragraphs 343 and 346.)

I, ——— ———, Consul of the United States for the port of ———, do hereby certify that the within bill of sale, bearing date the ——— day of ———, of the ——— [here describe the vessel, her tonnage, denomination, name, etc.], sold and transferred by ——— ——— to ——— ———, has been proved satisfactorily to me to have been duly executed by the subscribing part—; and I further certify that ——— ——— therein mentioned as purchaser of said vessel ——— citizen of the United States.

As witness my hand and seal of the Consulate this ——— day of ———, in the year of our Lord 189—.

[L. S.]

—————,  
U. S. Consul.

FORM NO. 36.

*Certificate to be attached to documentary evidence accompanying requisitions in the United States for extradition.*

(Paragraph 425.)

CONSULATE OF THE UNITED STATES,

—————, ——— ———, 189—.

I, ——— ———, C—— of the United States at ———, hereby certify that the annexed papers, being [here state what the papers are], proposed to be used upon an application for the extradition from the United States of ——— ———, charged with the crime of ———, alleged to have been committed in ———, are properly and legally authenticated so as

to entitle them to be received in evidence for similar purposes by the tribunals of ———, as required by the act of Congress of August 3, 1882.

In witness whereof I hereunto sign my name and cause the seal of the Consulate to be affixed this — day of ———, 189—.

—————,  
U. S. Consul.

FORM NO. 37.

*Marine note of protest.*

(Paragraphs 186 and 605.)

CONSULATE OF THE UNITED STATES OF AMERICA,  
Port of ———,  
—————, 189—.

On this — day of ———, in the year of our Lord eighteen hundred and ———, before me, ——— ———, Consul of the United States of America for ——— and the dependencies thereof, personally appeared ——— ———, master of the ship or vessel called the ———, of ———, of the burden of ——— tons or thereabouts, and declared that on the — day of ——— last past he sailed in and with the said ship from the port of ———, laden with ———, and arrived in the said ship at ——— on ——— [here insert the day and hour]; and having experienced boisterous weather on the voyage, hereby enters this note of protest accordingly, to serve and avail him hereafter, if found necessary.

—————,  
Master.

Attested:

U. S. Consul.

FORM NO. 38.

*Extended protest of ship* ———, master ———, 189—.

(Paragraph 186.)

CONSULATE OF THE UNITED STATES OF AMERICA,  
Port of ———,  
—————, 189—.

By this public instrument of declaration and protest be it known and made manifest unto all to whom these presents shall come or may con-

cern that, on the — day of —, one thousand eight hundred and —, before me, — —, Consul of the United States of America for — and the dependencies thereof, personally came and appeared — —, master of the ship or vessel called the —, of —, of the burden of — tons or thereabouts, then lying in this port of —, laden with — cargo, who duly noted and entered with me, the said Consul, his protest for the uses and purposes hereafter mentioned; and now, on this day, to wit, the day of the date hereof, before me, the said Consul, again comes the said — —, and requires me to extend this protest; and together with the said — — also comes A B, mate, G H, carpenter, K L and M O, seamen, of and belonging to the said ship, all of whom being by me duly sworn on the Holy Evangelists of Almighty God, did severally voluntarily, freely, and solemnly declare, depose, and state as follows, that is to say: That these appearers, on the — day of —, in their capacities aforesaid, sailed in and with the said — from the port of —, laden with —, and bound to the port of —; that the said ship was then tight, staunch, and strong; had her cargo well and sufficiently stowed and secured; had her hatches well calked and covered; was well and sufficiently manned, victualed, and furnished with all things needful and necessary for a vessel in the merchant service, and particularly for the voyage she was about to undertake; that [here insert narrative of the facts of the voyage as they occurred, with full and minute particulars, with dates, latitude, longitude, etc.]

And these said appearers, upon their oaths aforesaid, do further declare and say: That during the said voyage they, together with the others of the said ship's company, used their utmost endeavors to preserve the said — and cargo from all manner of loss, damage, or injury. Wherefore the said — —, master, hath protested, as by these presents I, the said Consul, at his special instance and request, do publicly and solemnly protest against all and every person and persons whom it doth or may concern, and against the winds, and waves, and billows of the seas, and against all and every accident, matter, and thing had and met with, as aforesaid, whereby, and by reason whereof, the said — cargo already has or hereafter shall appear to have suffered or sustained damage or injury. And do declare that all losses, damages, costs, charges, and expenses that have happened to the said — or cargo, or to either, are and ought to be borne by those to whom the same by right may appertain by way of average or otherwise, the same having occurred as before mentioned, and not by or through the insufficiency

of the said ———, her tackle or apparel, or default or neglect of this appearer, his officers, or any of his mariners.

Thus done and protested in the port of ———, this — day of ———, in the year of our Lord one thousand eight hundred and ———.

In testimony whereof these appearers have hereunto subscribed their names, and I, the said Consul, have granted to the said master this public instrument, under my hand and the seal of this Consulate, to serve and avail him and all others whom it doth or may concern, as need and occasion may require.

[SEAL OF THE CONSULATE.]

—————,  
U. S. Consul.

*Master.*

A B, *Mate.*

G H, *Carpenter.*

K L, *Seaman.*

M O, *do.*

FORM NO. 39.

*Protest of the master of a vessel against charterers or freighters.*

(Paragraph 186.)

Whereas the surveyors of the ship ———, of ———, ——— ——— master, of the — day of ———, have recommended the said ship to proceed to a port of discharge, in the United States, after temporary repairs, and with as much cargo as will render her perfectly safe, and that she be there thoroughly overhauled and permanently repaired: And whereas, in order to reach a port of discharge with safety and dispatch, where the repairs recommended in the said survey may be done and performed, it is better for all parties concerned that the voyage should be made direct from the port of ——— to the said port of permanent repair in the United States: And whereas ——— ———, master of the ship ———, of ———, aforesaid, has determined to proceed direct to the port of ———, there to thoroughly overhaul and repair the said ship, as recommended by the said survey, but in order to accomplish this end, and in lieu of touching at ——— for orders and for the privilege of the said direct port, he has been obliged to give up and yield to the charterers of the said ship ——— per ton upon the number of tons of ———, delivered at the said port of ———, amounting in the aggregate to the sum of ——— dollars, more or less: Now know all men by these presents, that on the day of the date hereof, before me, ——— ———, consul of the United

States of America for ———, and the dependencies thereof, personally came and appeared ——— ———, before named, and after stating the facts contained in the foregoing premises, hath protested, like as by these presents I, the said Consul, at his special instance and request, do publicly and solemnly protest, against all and every person and persons whom it doth, shall, or may concern, and against the charterers of the said ship, for exacting the amount of ——— dollars, aforesaid, claiming and demanding the reimbursement of the same from those to whom the same of right may appertain by way of average or otherwise upon the arrival of the vessel at the port of permanent repairs as aforesaid.

In testimony whereof the said ——— ——— hath hereunto subscribed his name, and I, the said Consul, set my hand and affixed the seal of this consulate, this ——— day of ———, A. D. 189—.

[L. S.]

—————,  
U. S. Consul.

—————,  
Master of the ———.

FORM NO. 40.

*Certificate as to insubordinate conduct of crew.*

(Paragraphs 352 and 353.)

UNITED STATES CONSULATE, ———, 189—.

I, the undersigned, Consul, etc., do hereby certify that ——— ———, ——— ———, and ——— ———, seamen or mariners, belonging to the ship ———, of ———, ——— ——— master, were placed in irons on board of the said ship by the said master for refusal of duty and insubordinate conduct, and afterward taken on shore and imprisoned with my consent.

Given, etc.

—————,  
U. S. Consul.

FORM NO. 41.

*Consul's decision and award in cases of protest against masters, passengers, or crew.*

(Paragraphs 352 and 353.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,  
—————, 189—.

Whereas ——— ———, master of the ———, of ———, recently arrived in this port of ———, from ———, has entered formal protest

on the books of this Consulate, under date of the ————, 18—, against ————, passengers in the said ———— on the passage aforesaid, named in the said protest, for mutinous conduct on the high seas, and against carrying them to ————: And whereas the officers, crew, and part of the passengers of said vessel have likewise entered solemn protest, under date ————, against the said named persons, and against their proceeding with them in the said vessel:

Now, therefore, I, the undersigned, Consul of the United States of America, having entertained the complaint and grievances set forth in said protest, having first required and obtained from the said master a specified list of the charges preferred by him against the said ———— passengers, consisting of ———— distinct charges, and having duly sworn and respectively examined the witnesses to same, in number ———— persons, who deposed to the truth of the said charges as follows, to wit: ———— to the first accusation; ———— to the second; ———— to the third; ———— to the fourth; ———— to the fifth; ———— to the sixth; and having furthermore admitted and duly sworn and respectively examined ———— persons ———— on the part of said ———— accused; and having duly and impartially weighed the testimony adduced on both sides, do hereby adjudge and declare as follows, that is to say: [Here state the decision and award of the Consul.]

Given at this Consulate, this ———— day of ————, in the year of our Lord one thousand eight hundred and ————.

[L. s.]

—————,  
U. S. Consul.

FORM NO. 42.

*Call of survey on a vessel.*

(Paragraph 333.)

No. 1.]

—————, 189—.

—————, Esq.,

*United States Consul at* ————:

SIR: The ship ————, under my command, arrived at this port the ———— instant, from ————, laden with ————, in a damaged and leaky condition, and I have, therefore, to request that you will please call a survey upon the said ship in order to ascertain her present state and condition, and what had best be done for the interest of the parties concerned.

Very respectfully, etc.,

—————,  
Master.



## FORM NO. 43.

*Warrant to survey a vessel.*

(Paragraph 333.)

No. 2.]

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
 \_\_\_\_\_, 189—.

Messrs. A B, *Master of the Ship* \_\_\_\_\_, of \_\_\_\_\_.C D, *Master of the Ship* \_\_\_\_\_, of \_\_\_\_\_.E F, *Master Ship Carpenter at* \_\_\_\_\_.

GENTLEMEN: Application having been made to this Consulate by \_\_\_\_\_, master of the ship \_\_\_\_\_, of \_\_\_\_\_, of the burden of \_\_\_\_\_ tons, or thereabouts, for survey upon the said ship, in consequence of having sustained damages and injuries in the prosecution of her voyage from \_\_\_\_\_ to this port, laden with \_\_\_\_\_, whereby she became \_\_\_\_\_, you are hereby respectfully requested to repair alongside and on board the said ship, and after a careful and minute examination and survey of every visible part of her hull, spars, sails, and rigging, report to this Consulate, under your own hands, in writing, her present state and condition, and what, in your opinion, had best be done for the interest of the parties concerned.

Given under my hand and the seal of this Consulate, the day and year above written.

[Seal of the Consulate.]

\_\_\_\_\_,  
 U. S. Consul.

## FORM NO. 44.

*Report of survey on a vessel.*

(Paragraph 333.)

No. 3.]

Pursuant to the accompanying warrant of survey, to us directed by \_\_\_\_\_, United States Consul at \_\_\_\_\_, we, the undersigned, repaired alongside and on board of the ship \_\_\_\_\_, of \_\_\_\_\_, of the burden of \_\_\_\_\_ tons, or thereabouts, recently arrived in this port from \_\_\_\_\_, in a damaged and leaky condition, laden with \_\_\_\_\_, and after a careful and minute examination of every visible part of her hull, spars, sails, and rigging, do report as follows, viz:

We therefore recommend, in order to a further examination, and to

ascertain, if possible, the cause and extent of the leak or leaks, that the cargo be discharged forthwith.

In confirmation of which we are willing, if required, to attest:

Given under our hands at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 189—.

\_\_\_\_\_  
*Master of the Ship* \_\_\_\_\_, of \_\_\_\_\_.

\_\_\_\_\_  
*Master of the Ship* \_\_\_\_\_, of \_\_\_\_\_.

\_\_\_\_\_  
*Master Ship-Carpenter at* \_\_\_\_\_.

Received \_\_\_\_\_ dollars for holding the above survey.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

FORM NO. 45.

*Certificate authenticating the signatures of surveyors.*

(Paragraph 333.)

No. 4.]

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_  
 \_\_\_\_\_, 189—.

I, the undersigned, Consul, etc., do hereby certify that the foregoing are the true and genuine signatures of \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, surveyors, appointed by me, of the ship \_\_\_\_\_, of \_\_\_\_\_, and as such are entitled to full faith and credit.

Given, etc.

\_\_\_\_\_  
 \_\_\_\_\_,  
*U. S. Consul.*

FORM NO. 46.

*Second call of survey on a vessel.*

(Paragraph 333.)

No. 1.]

\_\_\_\_\_, Esq.,

*United States Consul at* \_\_\_\_\_:

SIR: The cargo of the ship \_\_\_\_\_, of \_\_\_\_\_, under my command, being now discharged, I have therefore respectfully to request that you will please call a second survey on the said ship, in order to a further examination, and to ascertain, if possible, the cause and extent of the leak or leaks.

Very respectfully, etc.,

\_\_\_\_\_,  
 \_\_\_\_\_, *Master.*

FORM NO. 47.

*Second warrant to survey a vessel.*

(Paragraph 333.)

No. 2.]

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 189—.

Messrs. A B, *Master of the Ship* \_\_\_\_\_, of \_\_\_\_\_.

C D, *Master of the Ship* \_\_\_\_\_, of \_\_\_\_\_.

E F, *Master Ship-Carpenter at* \_\_\_\_\_.

GENTLEMEN: Application having been made to this Consulate by \_\_\_\_\_, master of the ship \_\_\_\_\_, of \_\_\_\_\_, of the burden of \_\_\_\_\_ tons, or thereabouts, for a second survey on the said ship, her cargo having been discharged, you are hereby respectfully requested to repair on board of the said ship, and after a further careful examination and survey of her hull, ascertain, if possible, the cause and extent of the leak or leaks, and report the same to this Consulate, under your own hands, in writing; also what, in your opinion, should be done for the interest of the parties concerned.

Given, etc.

[Seal of the Consulate.]

\_\_\_\_\_,  
*U. S. Consul.*

FORM NO. 48.

*Second report of survey on a vessel.*

(Paragraph 333.)

No. 3.]

Pursuant to the accompanying warrant of survey, to us directed by \_\_\_\_\_, United States Consul at \_\_\_\_\_, we, the undersigned, repaired on board of the ship \_\_\_\_\_, of \_\_\_\_\_, of the burden of \_\_\_\_\_ tons, or thereabouts, and after a further careful examination and survey of the hull of said ship, do report as follows, viz:

In confirmation of which we are willing, if required, to attest.

Given under our hands at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 189—.

*Master of the* \_\_\_\_\_, of \_\_\_\_\_.

*Master of the* \_\_\_\_\_, of \_\_\_\_\_.

*Master Ship-Carpenter at* \_\_\_\_\_.

Received \_\_\_\_\_ dollars each for holding the survey.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

## FORM NO. 49.

*Certificate authenticating signatures of second surveyors.*

(Paragraph 333.)

No. 4.]

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
 \_\_\_\_\_, 189—.

I, the undersigned, Consul, etc., do hereby certify that the foregoing are the true and genuine signatures of \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, the persons appointed by me on the second survey of the ship \_\_\_\_\_, and as such are entitled to full faith and credit.

Given, etc.

[Seal of the Consulate.]

\_\_\_\_\_,  
 U. S. Consul.

## FORM NO. 50.

*Estimate of repairs.*

(Paragraph 333.)

Estimate of the probable cost of repairing the \_\_\_\_\_, of \_\_\_\_\_, agreeably to the recommendations contained in the report of survey of the \_\_\_\_\_ instant, and in accordance with the cost of labor and material at the port of \_\_\_\_\_, as follows, viz:

For heaving ship down on both sides, including use of hulk, blocks, falls, tackle, etc. (or, as the case may be, placing in dock) ..... \$  
 For taking out planks .....  
 For \_\_\_\_\_ feet of plank, at \$\_\_\_\_\_ per M .....  
 For \_\_\_\_\_ carpenters, \_\_\_\_\_ days each, \_\_\_\_\_ days, at \$\_\_\_\_\_ .....  
 For \_\_\_\_\_ lbs. nails .....  
 For \_\_\_\_\_ lbs. copper spikes .....  
 For \_\_\_\_\_ sheet felt .....  
 For \_\_\_\_\_ lbs. oakum .....  
 For \_\_\_\_\_ barrels pitch .....  
 For \_\_\_\_\_ barrels tar .....  
 For \_\_\_\_\_ barrels rosin .....  
 For \_\_\_\_\_ sheets copper, \_\_\_\_\_ lbs., at \_\_\_\_\_ .....  
 For \_\_\_\_\_ lbs. copper nails .....

For \_\_\_\_\_ calkers, \_\_\_\_\_ days each, \_\_\_\_\_ days, at \$ \_\_\_\_\_  
 For \_\_\_\_\_ carpenters \_\_\_\_\_  
 For use of pitch pots, boys, etc. \_\_\_\_\_  
 For superintendence of master-carpenter \_\_\_\_\_

\_\_\_\_\_, 189—.

\_\_\_\_\_  
 \_\_\_\_\_,  
*Master Ship-Carpenter.*

FORM NO. 51.

*Certificate authenticating signature to estimate.*

(Paragraph 333.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
 \_\_\_\_\_, 189—.

I, the undersigned, Consul, etc., do hereby certify that the foregoing is the true and genuine signature of \_\_\_\_\_, master ship-carpenter at \_\_\_\_\_, and as such is entitled to full faith and credit.

Given, etc.

\_\_\_\_\_  
*U. S. Consul.*

FORM NO. 52.

*Certificate authenticating copies of call, warrant, and report of survey.*

(Paragraph 333.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
 \_\_\_\_\_, 189—.

I, the undersigned, Consul, etc., do hereby certify that the foregoing call, warrant, and report of survey, and the certificate thereto signed \_\_\_\_\_, United States Consul, numbered 1, 2, 3, 4, etc., hereto annexed, are true and faithful copies of the originals filed in this Consulate, the same having been carefully examined by me and compared with the said originals, and found to agree therewith word for word and figure for figure.

Given, etc.

\_\_\_\_\_  
*U. S. Consul.*

## FORM NO. 53.

*Letter to authorities in cases of sinking vessels.*

(Paragraph 333.)

CONSULATE OF THE UNITED STATES AT \_\_\_\_\_,  
\_\_\_\_\_, 189—.

SIR: The surveyors of the ship \_\_\_\_\_, of \_\_\_\_\_, \_\_\_\_\_, master, having recommended that the ship should be towed or hauled into shoal water for the safety of the vessel and cargo, as the water is gaining rapidly on the pumps, I have the honor to request that you will please have designated to the master of the \_\_\_\_\_ such moorings, in shoal water, in the harbor of \_\_\_\_\_, that, in the event of the sinking of the ship, the mooring grounds in the bay will not sustain injury.

I have the honor to be, very respectfully, etc.,

\_\_\_\_\_,  
U. S. Consul.

To \_\_\_\_\_,  
Captain of the port [or other authority].

## FORM NO. 54.

*Advertisement for funds on bottomry to repair.*

(Paragraph 334.)

\$\_\_\_\_\_ to \$\_\_\_\_\_.

WANTED on the hull, spars, sails, rigging, and homeward freight of the \_\_\_\_\_, of \_\_\_\_\_, of the burden of \_\_\_\_\_ tons register, whereof \_\_\_\_\_ is master, the sum of from \$\_\_\_\_\_ to \$\_\_\_\_\_ for repairs and outfits to enable the said vessel to proceed to sea.

Proposals for the advance of the above sum will be received at the office of the United States Consulate at \_\_\_\_\_ until \_\_\_\_\_ p. m., \_\_\_\_\_, 189—.

\_\_\_\_\_.

## FORM NO. 55.

*Advertisement of sale of a vessel.*

(Paragraph 334.)

Will be sold at public auction, for the account of whom it may concern, the \_\_\_\_\_, of \_\_\_\_\_, \_\_\_\_\_ tons registered burden, on the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_.

The above vessel was built at \_\_\_\_\_, in the year 189—, of, etc.

For further particulars apply to the United States Consulate at \_\_\_\_\_, or to the master on board, where inventories may be seen.

\_\_\_\_\_,  
*Licensed Auctioneer.*

## FORM NO. 56.

*Certificate to advertisement for funds on bottomry, where no proposals have been received.*

(Paragraph 334.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
 \_\_\_\_\_, 189—.

Printed  
 ADVERTISEMENT

to be here

AFFIXED.

I, the undersigned, Consul, etc., do hereby certify that the annexed advertisement, in English and \_\_\_\_\_, was published in the \_\_\_\_\_, printed at \_\_\_\_\_, from the \_\_\_\_\_ day of \_\_\_\_\_ to the \_\_\_\_\_ day of \_\_\_\_\_, 189—, inclusive.

I further certify that no proposals have been received at this Consulate from any person or persons to advance the sum required by the \_\_\_\_\_, for repairs and outfit to enable her to

proceed to sea.

Given, etc.

\_\_\_\_\_,  
*U. S. Consul.*

Where proposals have been received and accepted the above certificate will be changed as follows, viz:

I further certify that the proposals of \_\_\_\_\_, to advance the amount required by the \_\_\_\_\_ for repairs and outfit to enable the said vessel to proceed to sea, of \_\_\_\_\_ twenty per centum maritime premium, were the lowest proposals received, and they are, therefore, best entitled to advance the same.

## FORM NO. 57.

*Certificate to the advertisement of the sale of a vessel.*

(Paragraph 334.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 189—.Printed  
ADVERTISEMENT

to be here

AFFIXED.

I, the undersigned, Consul, etc., do certify that the annexed advertisement, in English and \_\_\_\_\_, was published in the \_\_\_\_\_, from the \_\_\_\_\_ day of \_\_\_\_\_ to the \_\_\_\_\_ day of \_\_\_\_\_, inclusive.

I further certify that, agreeable to the said advertisement, the ship \_\_\_\_\_ was duly sold at this port by public auction, for the sum of \$\_\_\_\_\_, unto \_\_\_\_\_, he being the highest bidder therefor, as will appear by the account of sales of \_\_\_\_\_, licensed auctioneer, hereto annexed.

Given, etc.

\_\_\_\_\_,  
U. S. Consul.

## FORM NO. 58.

*Inventory of a ship or vessel.*

(Paragraph 334.)

No. 1.]

Inventory of ship \_\_\_\_\_, of \_\_\_\_\_, of the burden of \_\_\_\_\_ tons register, advertised to be sold at \_\_\_\_\_ p. m., the \_\_\_\_\_ day of \_\_\_\_\_, by public auction, for account of whom it may concern, by \_\_\_\_\_, licensed auctioneer, viz:

Ship \_\_\_\_\_, with hull, spars, sails, rigging, anchors, cables, boats, tackle, as she now lies at anchor in the harbor of \_\_\_\_\_.

One spare foresail,

One spare mainsail,

One spare foretopsail,

etc.

\_\_\_\_\_,  
Master.

\_\_\_\_\_, 189—.



## FORM NO. 59.

*Declaration of master to inventory.*

(Paragraph 334.)

No. 2.]

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
 \_\_\_\_\_, 189—.

I, the undersigned, Consul, etc., do hereby certify that, on the day of the date hereof, before me personally appeared \_\_\_\_\_, master of the \_\_\_\_\_, of \_\_\_\_\_, and solemnly declared that the foregoing inventory contains a true and faithful list of the tackle, apparel, and appurtenances of the said ship, together with all articles on board and belonging to her, as made out by himself this day.

Given, etc.

[L. S.]

\_\_\_\_\_,  
*U. S. Consul.*

\_\_\_\_\_,  
*Master.*

NOTE.—It is optional with the master to make this declaration.

## FORM NO. 60.

*Master's letter notifying Consul of intention to sell vessel and cargo,*

(Paragraph 334.)

No. 3.]

\_\_\_\_\_, Esq.,

\_\_\_\_\_, \_\_\_\_\_, 189—.

*U. S. Consul at \_\_\_\_\_:*

SIR: Having failed in procuring on bottomry, or otherwise, the necessary funds required to repair the \_\_\_\_\_, under my command, I desire to notify you that I am, consequently, compelled to order the sale of said vessel, without delay, by public auction, as also that part of her cargo found damaged by the surveyors thereof, and recommended to be sold immediately; thus, in my opinion, best consulting the interests of all concerned.

I inclose herewith a duplicate of my letter addressed to \_\_\_\_\_, licensed auctioneer, to be filed in the Consulate.

Very respectfully, etc.,

\_\_\_\_\_,  
*Master.*

## FORM NO. 61.

*Letter of master to auctioneer.*

(Paragraph 334.)

No. 4.]

\_\_\_\_\_, \_\_\_\_\_, 189—.

\_\_\_\_\_, Esq.,

*Licensed Auctioneer at \_\_\_\_\_:*

SIR: As agent for whom it may concern, I hereby request you to advertise and sell, by public auction, to the highest bidder, the \_\_\_\_\_, her tackle, apparel, and appurtenances, as per inventory herewith, as she now lays at anchor in this harbor; also that part of her cargo found damaged, and recommended to be sold by the board of survey, for account of whom it may concern.

You will please render distinct account of sales of ship and cargo (in triplicate), under your own hand, to the United States Consulate at this port.

I am, respectfully, etc.,

\_\_\_\_\_,  
*Master.*

## FORM NO. 62.

*Certificate authenticating copies of inventories and letters.*

(Paragraph 334.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 189—.

I, the undersigned, Consul, etc., do hereby certify that the foregoing inventory, and the declaration thereunto, both hereto annexed, and letters signed \_\_\_\_\_, master, numbered 1, 2, 3, 4, are true and faithful copies of the originals filed in this Consulate, the same having been carefully examined by me and compared with the said originals, and found to agree therewith word for word and figure for figure.

Given, etc. .

\_\_\_\_\_,  
*U. S. Consul.*

FORM NO. 63.

*Account of sale of a vessel.*

(Paragraph 334.)

No. 1.]

Account of sale of ship \_\_\_\_\_, of \_\_\_\_\_, of the burden of \_\_\_\_\_ tons, sold by the undersigned, for account of whom it may concern, by order of \_\_\_\_\_, master, viz:

The ship \_\_\_\_\_, as per inventory, unto \_\_\_\_\_, for ..\$

CHARGES.

Advertising .....  
 Printing inventories .....  
 Government dues .....  
 Auction commisson .....  
 Consul's attendance at sale .....

\_\_\_\_\_  
 \$  
 \_\_\_\_\_

\_\_\_\_\_, 189—.

\_\_\_\_\_,  
*Licensed Auctioneer.*

FORM NO. 64.

*Certificate authenticating signature of auctioneer.*

(Paragraph 334.)

No. 2.]

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
 \_\_\_\_\_, 189—.

I, the undersigned, Consul, etc., do hereby certify that the foregoing is the true and genuine signature of \_\_\_\_\_, licensed auctioneer for the port of \_\_\_\_\_, and as such is entitled to full faith and credit.

Given, etc.

\_\_\_\_\_,  
*U. S. Consul.*

## FORM NO. 65.

*Certificate authenticating copy of account of sale.*

(Paragraph 334.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
 \_\_\_\_\_, 189—.

I, the undersigned, Consul, etc., do hereby certify that the foregoing account sales, signed by \_\_\_\_\_, licensed auctioneer, and the certificate thereto, signed \_\_\_\_\_, United States Consul, numbered 1 and 2, are true and faithful copies of the originals filed in this Consulate, the same having been carefully examined by myself, and compared with the said originals, and found to agree therewith, word for word and figure for figure.

Given, etc.

\_\_\_\_\_  
 U. S. Consul.

## FORM NO. 66.

(Omitted.)

## FORM NO. 67.

*Certificate on sale of a ship abroad to an alien or a nonresident citizen.*

(Paragraphs 331 and 334.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
 \_\_\_\_\_, 189—.

I, the undersigned, Consul of the United State, etc., do hereby certify that the ship \_\_\_\_\_, of \_\_\_\_\_, \_\_\_\_\_ master, has been duly condemned and sold, at this port, by public auction, to a citizen (or subject) of \_\_\_\_\_, and that one-half of the register of the said ship has been this day delivered by me to the purchaser, and the second half thereof retained in this Consulate to be forwarded to the Department of State.

\_\_\_\_\_  
 U. S. Consul.

NOTE.—When the vessel is sold without condemnation, erase the words “duly condemned and.” When the sale is also private, erase in addition

the words "by public auction." When the purchaser is a non-resident citizen of the United States, modify the certificate accordingly, and deliver the whole register to purchaser.

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FORM NO. 68.

*Bottomry bond.*

(Paragraph 334.)

KNOW ALL MEN BY THESE PRESENTS, That I, ———, now master and commander of the ——— or vessel called the ———, of the burden of ——— tons, or thereabouts, now lying in the port of ———, am held and firmly bound unto ———, in the sum of ———, lawful money of the United States of America, to be paid to the said ———, or to ——— certain attorney, executors, administrators, or assigns; for which payment, well and truly to be made, I bind myself, my heirs, executors, and administrators, and also the said vessel, her tackle, apparel, and furniture, firmly by these presents. Sealed with my seal, at ———, this ——— day of ———, in the year of our Lord one thousand eight hundred and ———. Whereas the above bounden ——— hath been obliged to take up and borrow, and hath received of the said ———, for the use of the said vessel, and for the purpose of fitting the same for sea, the sum of ———, lawful money of the United States of America, which sum is to be and remain as a lien and bottomry on the said vessel, her tackle, apparel, and furniture, ———, at the rate or premium of ——— for the voyage: In consideration whereof, all risks of the seas, rivers, enemies, fires, pirates, etc., are to be on account of the said ———. And for the better security of the said sum and premium, the said master doth, by these presents, hypothecate and sign over to the said ———, ——— heirs, executors, administrators, and assigns, the said vessel, her tackle, apparel, and furniture ———. And it is hereby declared, that the said vessel ——— is thus hypothecated and assigned over for the security of the money so borrowed and taken up as aforesaid, and shall be delivered for no other use or purpose whatever, until this bond is first paid, together with the premium hereby agreed to be paid thereon.

Now the condition of this obligation is such that if the above bounden ——— shall well and truly pay, or cause to be paid, unto the said ——— the just and full sum of ———, lawful money as aforesaid,

being the sum borrowed, and also the premium aforesaid, at or before the expiration of ——— days after the arrival of said vessel at ———, then this obligation and the said hypothecation to be void and of no effect; otherwise, to remain in full force and virtue. Having signed and executed ——— bonds of the same tenor and date, one of which being accomplished, the other to be void and of no effect.

—————. [L. S.]  
Signed, sealed, and delivered in the presence of—

—————  
—————

—————

FORM NO. 69.

*Acknowledgment to bottomry bond.*

(Paragraph 334.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,  
—————, 189—.

I, ———, Consul, etc., do hereby certify that ———, master of the ———, of ———, the party to the aforesaid bottomry bond or instrument of writing, personally came before me and executed the said bond in my presence and in the presence of the witnesses thereunto, and acknowledged the same to be his free act and deed for the purpose therein mentioned.

Given, etc.

—————,  
*U. S. Consul.*

—————

FORM NO. 70.

*Assignment of bottomry bond.*

(Paragraph 334.)

We hereby assign our rights in the within bond to ———, merchants of ———, that it may be paid to them or to their order.

## FORM No. 71.

*Acknowledgment to assignment of bottomry bond.*

(Paragraph 334.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
 \_\_\_\_\_, 189—.

I, the undersigned, Consul, etc., do hereby certify that on the day of the date hereof before me personally appeared \_\_\_\_\_, one of the firm of \_\_\_\_\_, parties to the foregoing assignment, and executed and acknowledged the same in my presence to be the act and deed of the said firm for the purposes therein mentioned.

Given, etc.

\_\_\_\_\_,  
 U. S. Consul.

## FORM No. 72.

*Indorsement of bottomry on ship's register.*

(Paragraph 334.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
 \_\_\_\_\_, 189—.

I, the undersigned, Consul, etc., do hereby certify that \_\_\_\_\_, master of the \_\_\_\_\_, of \_\_\_\_\_, described in the within register, has this day hypothecated the said vessel, \_\_\_\_\_, unto \_\_\_\_\_, merchants of \_\_\_\_\_, in the penal sum of \$\_\_\_\_\_.

Given, etc.

\_\_\_\_\_,  
 U. S. Consul.

## FORM No. 73.

*Indorsement on register on the payment of a bottomry bond.*

(Paragraph 334.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
 \_\_\_\_\_, 189—.

I, the undersigned, Consul, etc., do hereby certify that on the day and date hereof, before me personally appeared \_\_\_\_\_, and acknowledged before me the receipt of the sum of \_\_\_\_\_ dollars, called for by the

terms and conditions of a bottomry bond executed by \_\_\_\_\_, master of the \_\_\_\_\_, of \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 18—, at \_\_\_\_\_, and that the said bond has been this day duly canceled according to law.

Given, etc.

\_\_\_\_\_  
U. S. Consul.

FORM NO. 74.

*Oath of master to death or loss overboard at sea of a seaman or mariner.*

(Paragraph 188.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 189—

I, \_\_\_\_\_, master of the \_\_\_\_\_, of \_\_\_\_\_, do hereby make oath, in due form of law, that \_\_\_\_\_ died at sea [or was lost overboard at sea, as the case may be] on board the said ship, on or about the \_\_\_\_\_ of \_\_\_\_\_, 18—, on the voyage from \_\_\_\_\_ to this port.

Subscribed and sworn to this \_\_\_\_\_ day of \_\_\_\_\_, 189—.

[SEAL.]

\_\_\_\_\_  
U. S. Consul.

FORM NO. 75.

*Oath of master or mate to correctness of log-book.*

(Paragraph 188.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 189—.

I, \_\_\_\_\_ [master or mate, as the case may be], of the \_\_\_\_\_, of \_\_\_\_\_, do hereby make oath, in due form of law, that the journal of the voyage from \_\_\_\_\_ to \_\_\_\_\_, commencing on the \_\_\_\_\_ and ending on the \_\_\_\_\_, and embraced within folios from \_\_\_\_\_ to \_\_\_\_\_, contains a true and faithful log, written by \_\_\_\_\_, of the transactions on board the said \_\_\_\_\_, day by day as they occurred.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 189—.

[SEAL.]

\_\_\_\_\_  
U. S. Consul.



## FORM NO. 76.

*Oath of master to ship's bills and vouchers for disbursements and repairs.*

(Paragraph 188.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 189—.

I, \_\_\_\_\_, master of the \_\_\_\_\_, of \_\_\_\_\_, do hereby make oath, in due form of law, that the bills and accounts hereunto annexed, numbered from \_\_\_\_\_ to \_\_\_\_\_, inclusive, are the true and genuine vouchers relating to the cost of the repairs and disbursements of the said ship at this port, superintended by himself.

\_\_\_\_\_,  
*Master.*

Subscribed and sworn to before me the date above written.

[SEAL.]

\_\_\_\_\_,  
*U. S. Consul.*

## FORM NO. 77.

*Consul's certificate for custom-house or authorities, in case of the deviation of a vessel from the voyage.*

(Paragraph 188.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 189—.

I, the undersigned, Consul, etc., do hereby certify that the \_\_\_\_\_, of \_\_\_\_\_, \_\_\_\_\_ master, bound from \_\_\_\_\_ to \_\_\_\_\_, arrived at this port on the \_\_\_\_\_ instant, laden with \_\_\_\_\_, in a damaged state and condition, and in order to repair the said \_\_\_\_\_ it is necessary to discharge the cargo, as appears by the note of protest of the said master, made before me the \_\_\_\_\_ day of \_\_\_\_\_, 189—, and the report of survey of the said vessel filed in this consulate. I further certify that it likewise appears, from said report of survey and protest, that a part of said cargo was thrown overboard at sea on the voyage from \_\_\_\_\_ to this port.

Given, etc.

\_\_\_\_\_,  
*U. S. Consul.*

## FORM NO. 78.

*Certificate of ownership of a vessel.*

(Paragraph 188.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
 \_\_\_\_\_, 189—.

I, the undersigned, Consul of the United States of America for \_\_\_\_\_  
 and the dependencies thereof, do hereby certify that the \_\_\_\_\_, of \_\_\_\_\_,  
 of the burden of \_\_\_\_\_ tons, \_\_\_\_\_ master, was built at \_\_\_\_\_, in  
 the year \_\_\_\_\_, and is owned by \_\_\_\_\_, of \_\_\_\_\_, State of \_\_\_\_\_.  
 Given, etc.

\_\_\_\_\_, \_\_\_\_\_,  
 U. S. Consul.

## FORM NO. 79.

*Roll or list of crew when required by the captain or authorities of the port.*

(Paragraph 188.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
 \_\_\_\_\_, 189—.

Roll or list of the crew of the \_\_\_\_\_, of \_\_\_\_\_, of the burden of \_\_\_\_\_,  
 whereof \_\_\_\_\_ is master, bound to \_\_\_\_\_.

Names of seamen or mariners.	Stations.	Country to which they belong.

Embracing in this roll \_\_\_\_\_ seamen and mariners, including the captain.

\_\_\_\_\_, \_\_\_\_\_,  
 U. S. Consul.

## FORM NO. 80.

*Order to pay, at home, seamen's wages.*

(Paragraph 188.)

\_\_\_\_\_, 189—.

SHIP \_\_\_\_\_ AND OWNERS:

On the termination of the voyage of the \_\_\_\_\_, pay to \_\_\_\_\_, or order, what might be due to him for his voyage in said \_\_\_\_\_, he being this day discharged at this port by mutual consent. The said \_\_\_\_\_ is entitled to the \_\_\_\_\_ lay, the ship having been out, and he having served in her, at the time of his discharge, \_\_\_\_\_ months and \_\_\_\_\_ days, and the quantity of oil and bone taken, including that held and shipped, as well as that now on board, being \_\_\_\_\_ barrels of whale oil and \_\_\_\_\_ pounds of bone.

Witness:

\_\_\_\_\_.

\_\_\_\_\_,  
*Master.*

## FORM NO. 81.

*Master's acknowledgment to same.*

(Paragraph 188.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 189—.

I, the undersigned, Consul, etc., do hereby certify that, on the day of the date hereof, before me personally appeared \_\_\_\_\_, master of the \_\_\_\_\_, of \_\_\_\_\_, who, in my presence, and in presence of the witnesses thereunto, signed the foregoing order, and acknowledged the same to be correct in all its particulars, and to be his voluntary act and deed for the purposes therein mentioned.

Given, etc.

\_\_\_\_\_,  
*U. S. Consul.*

## FORM No. 82.

*Certificate of shipment of seamen or marines attached to crew-list and shipping-articles.*

(Paragraph 188.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_, 189—.

I, \_\_\_\_\_, Consul of the United States of America for \_\_\_\_\_ and the dependencies thereof, do hereby certify that the seamen or mariners hereinafter named have been duly shipped at this port, before me, upon the terms and conditions set opposite their names, respectively, viz:

Names of seamen or mariners.	Stations.	Age.	Height.		Country to which they belong.	Lay or share of oil or cargo.	Monthly wages.	Advance wages.	Voyage.
			Feet.	In.					

Given, etc.

\_\_\_\_\_,  
U. S. Consul.

## FORM No. 83.

*Agreement of master to give increased wages.*

(Paragraph 188.)

I, \_\_\_\_\_, master of the \_\_\_\_\_ of \_\_\_\_\_, taking into consideration the high rate of wages for seamen, ordinary seamen, cooks, and stewards, out of the port of \_\_\_\_\_, do hereby agree and bind myself to pay, or cause to be paid, the sum of \_\_\_\_\_ dollars to the ordinary seamen, \_\_\_\_\_ dollars to the seamen, and \_\_\_\_\_ dollars to the \_\_\_\_\_ hereinafter named, belonging to the said vessel, as increased wages, begin-

ning from the — day of —, and continuing until the termination of the voyage, agreeably to the contract of shipping-articles signed by them, a certified copy of which is hereto annexed, dated —, 189—.

\_\_\_\_\_,  
Master.

Attested:

[L. S.] \_\_\_\_\_,  
U. S. Consul.

FORM NO. 84.

*Form to be used when shipwrecked seamen are picked up at sea and conveyed home, or to any other port.*

(Paragraphs 188 and 290.)

I, \_\_\_\_\_, master of the \_\_\_\_\_, merchant-vessel, belonging to the port of \_\_\_\_\_, and of the burden of \_\_\_\_\_ tons, per register, do solemnly and sincerely declare that I received on board the said vessel at \_\_\_\_\_ the under-mentioned \_\_\_\_\_ seamen<sup>1</sup> [\_\_\_\_\_ being part or the whole of the crew of the \_\_\_\_\_, merchant-vessel, which I have heard and verily believe was on her voyage from \_\_\_\_\_ to \_\_\_\_\_, of the burden of about \_\_\_\_\_ tons, and was owned by \_\_\_\_\_, of \_\_\_\_\_].

I further declare that I landed them on the day or days, place or places, set forth in the statement underneath, and subsisted them the number of days against each person expressed, making in the whole<sup>2</sup> \_\_\_\_\_ days; and that during the whole of such time I had my full complement of men and boys, viz: \_\_\_\_\_ men and boys,<sup>3</sup> exclusive of the under-mentioned seamen, for whom I now claim subsistence; and in proof of the justice of the claim I am willing (if required) to produce my log-book and the declaration of the mate and carpenter; and I make this solemn declaration, conscientiously believing the same to be true.

I further declare that<sup>4</sup> \_\_\_\_\_ were saved from the wrecked vessel.

<sup>1</sup> The words between [ ] must be repeated for every wrecked vessel, when more than one, to which the seamen belonged.

<sup>2</sup> The number here is to be inserted in words at length.

<sup>3</sup> If the full complement not on board, state how many were deficient.

<sup>4</sup> Here insert the words "not any provisions," or (as the case may be), "the provisions specifically stated, and the value thereof."

Men's names.	Rating.	When received.	In what vessel shipwrecked.	From what ship received.	When and where landed, or how disposed of.		Number of days on board.
					Port.	Date.	

Declared before me at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 189—, \_\_\_\_\_, *Master.*  
 \_\_\_\_\_, *U. S. Consul.*

## FORM NO. 85.

*Receipt by Consul for effects of a deceased seaman.*

(Paragraph 255.)

	Name of deceased seaman or apprentice.	Name of ship in which he served at time of death.	Port belonging to.	Time of death.	Place of death.	Name of master.	Particular effects, if any, delivered to shipping-master.
Port of _____. Name of seaman _____. Name of ship _____. Port belonging to _____. Name of master _____. Amount paid. \$ _____. Effects delivered, if any _____. Date of receipt _____.							

I certify that the above-named master has paid me the above-named sum, and has delivered to me the above-named effects, as the money, goods, and effects of the above-named deceased, which he left on board

at his death, I having considered it expedient that the said money, goods, and effects should be delivered to me.

Dated this — day of —, 189—.

\_\_\_\_\_,  
U. S. Consul.

FORM NO. 86.

*Consular quarterly remittance of seamen's effects.*

(Paragraph 256.)

CONSULATE OF THE UNITED STATES AT \_\_\_\_\_,  
\_\_\_\_\_, 189—.

To the district judge of the United States for the district of \_\_\_\_\_:

On the — day of — I received from \_\_\_\_\_, master of the United States vessel \_\_\_\_\_, goods and effects, the property of \_\_\_\_\_, a seaman on said vessel, deceased, and gave therefor the inclosed receipt. The deceased had also within the limits of my Consulate other effects not on board said vessel, as shown in the inclosed inventory. I caused the effects to be sold at auction, and now have the honor, in compliance with the provisions of section 4541 of the Revised Statutes, to inclose a statement of account, together with a draft on \_\_\_\_\_ for — days' sight for \_\_\_\_\_, the balance to my debit; and to say that I hold myself ready to render any further account which you may require.

Witness my hand and Consular seal at \_\_\_\_\_, the — day of \_\_\_\_\_, A. D. 189—.

[SEAL.]

\_\_\_\_\_,  
U. S. Consul.

FORM NO. 87.

*Certificate of marriage.*

(Paragraph 419.)

CONSULATE OF THE UNITED STATES,  
\_\_\_\_\_, \_\_\_\_\_, 189—.

I, \_\_\_\_\_, Consul of the United States at \_\_\_\_\_, do hereby certify that, on this — day of \_\_\_\_\_, A. D. 189—, at \_\_\_\_\_, in the city of \_\_\_\_\_, A B, aged — years, born in \_\_\_\_\_, and now residing in \_\_\_\_\_, and C D, aged — years, born in \_\_\_\_\_, and now residing in \_\_\_\_\_,

were united in marriage before me, and in my presence, by ———, who is authorized by the laws of ——— to perform such a ceremony.

In witness whereof I have hereunto subscribed my name and affixed the seal of the Consulate at ———, this ——— day of ———, A. D. 189—, and of the Independence of the United States the ———.

—————,  
U. S. Consul.

FORM NO. 88.

*Form for authentication of signatures.*

(Paragraphs 188 and 446.)

UNITED STATES CONSULATE,  
—————, 189—.

I, ———, Consul of the United States at ———, do hereby certify that the signature of ———, at the foot of the paper hereto annexed, is his true and genuine signature, made and acknowledged in my presence, and that the said ——— is personally known to me.

In witness whereof I have hereunto set my hand and affixed the seal of the Consulate at ———, this day and year next above written, and of the Independence of the United States the ———.

—————,  
U. S. Consul.

FORM NO. 89.

*Certificate that an officer is qualified to administer an oath.*

(Paragraphs 188 and 446.)

I, ———, Consul of the United States of America at ———, do hereby certify and make known to whom these presents shall come that ———, before whom the annexed affidavit [oath, or declaration, as the case may be] of ——— hath been made, is a Commissioner in the High Court of Chancery, in England, duly authorized to administer oaths and affirmations, and take declarations in lieu of oaths, and that I believe the deponent is worthy of credit and qualified to verify the annexed affidavit.

In testimony whereof I have hereunto set my hand and seal of office, at ——— aforesaid, this ——— day of ———, 189—.

—————,  
U. S. Consul.



APPENDIX NO. VI.

755

FORM NO. 90.

CONTINGENT EXPENSES, UNITED STATES CONSULATES.

(Paragraphs 538, 543, 587.)

Department of State, United States, to \_\_\_\_\_, U. S. Consul at \_\_\_\_\_.

DR.	
For the quarter ending _____, 189-.	For rent of consular office for quarter ending this day, as per voucher No. 1. For postage on official correspondence to and from this consulate for the quarter ending this day. For rent of post-office box, ss per voucher No. —. For stationery, as per voucher No. —. For subscription to newspapers, etc., as per voucher No. —. For freight and charges on boxes and packages to and from the Department of State, as per voucher No. —. For flagstaff and fixtures, as per voucher No. —. For flag, as per voucher No. —. For furniture, etc., as per voucher No. —. For messenger service, as per voucher No. —. For fuel, as per voucher No. —. For lights, as per voucher No. —. For consular seal, as per voucher No. —. For telegrams, as per voucher No. —. For consular press, as per voucher No. —. For telephone, as per voucher No. —. For consular arms, as per voucher No. —. For record books, as per voucher No. —. For binding consular letters, etc., as per voucher No. —. For blank forms, as prescribed by the Department of State, as per voucher No. —. For loss by exchange on this account, \$ _____, as per voucher No. —.
	CR.
	By fees remaining after payment of salary account. By my draft on Secretary of State.....

I solemnly swear (or affirm) that the foregoing is a full, true, and correct account of the contingent expenses incurred at this consulate during the quarter ending \_\_\_\_\_, 189-, and that no expenditure was made under this head except as above set down.

\_\_\_\_\_  
U. S. Consul at \_\_\_\_\_.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 189-.

N. B.—Be careful to sign this account and to transmit it at or before

the time of making your draft. To be sent quarterly to the Department of State. Complete indorsement on back.

U. S. consulate at \_\_\_\_\_. Contingent expenses from \_\_\_\_\_, 189—, to \_\_\_\_\_, 189—. \_\_\_\_\_, United States Consul. Inclosure No. —, in dispatch No. —.

FORM NO. 91.

*Voucher for rent.*

(Paragraph 544.)

Received of \_\_\_\_\_, United States Consul at \_\_\_\_\_, the sum of \$\_\_\_\_\_ in full, for rent, for the quarter ending this day, of rooms No. \_\_\_\_\_, \_\_\_\_\_ street, \_\_\_\_\_, which are devoted solely to the business of the Consulate.

\_\_\_\_\_, 189—.

FORM NO. 92.

*Exchange voucher to accompany draft drawn by Consul.*

(Paragraphs 539, 573, 584, 587.)

Date of draft.	Amount of draft in United States currency.	Gross amount of draft in foreign currency.	The rate of exchange.	Loss on sale of draft.	The net proceeds in foreign currency.	The net proceeds in United States currency.	Upon whom and on what account drawn.

\_\_\_\_\_, 189—.

We jointly certify that the above-described draft was sold and purchased at the rate given in the above abstract.

\_\_\_\_\_,  
U. S. Consul.

\_\_\_\_\_,  
Bankers.

## FORM NO. 93.

*Exchange voucher to accompany draft purchased by Consul.*

(Paragraphs 584 and 587.)

Date of draft re- mitted.	The face of draft in United States currency.	The face of draft in foreign cur- rency.	The rate of ex- change.	Loss on purchase of draft.	The total cost of draft in foreign currency.	The total cost of draft in United States currency.	To whom and on what account remittance is made.

\_\_\_\_\_, 189—.

We jointly certify that the above-described draft was purchased and sold at the rate given in the above abstract.

\_\_\_\_\_,  
*U. S. Consul.*\_\_\_\_\_,  
*Bankers.*









FORM NO. 95.

*Voucher for boarding and lodging.*

(Paragraphs 274 and 557.)

CONSULATE OF THE UNITED STATES AT \_\_\_\_\_,  
To \_\_\_\_\_,

DR.

189—.

For boarding and lodging \_\_\_\_\_, a destitute American seaman, from \_\_\_\_\_ day of \_\_\_\_\_ to \_\_\_\_\_, at \_\_\_\_\_ per day [or week] \_\_\_\_\_ \$

The above bill is correct.

\_\_\_\_\_,  
*Seaman.*

Received \_\_\_\_\_, 189—, from \_\_\_\_\_, United States Consul, the sum of \_\_\_\_\_ dollars, in full of the above bill.

FORM NO. 96.

*Voucher for hospital expenses and medical aid.*

(Paragraphs 274 and 557.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
To \_\_\_\_\_,

DR.

For medical aid and attendance supplied the following-named destitute American seamen admitted in and discharged from [here insert the name of hospital] by order of \_\_\_\_\_, Consul at \_\_\_\_\_, for the quarter ending \_\_\_\_\_, 189—.

When admitted. 189—.	Name of seamen.	Date of discharge or de- cease.	Number of days attended, say at \$1 per day.	Amount.
October.....	6 C. D.....	November . 22	48	\$48 00
October.....	6 E. F.....	November . 26	52	52 00
November.....	1 M. O.....	November . 12	12	12 00
				112 00

\_\_\_\_\_ 189— Received of \_\_\_\_\_, United States Consul, the sum of \_\_\_\_\_ dollars and \_\_\_\_\_ cents, in full of the above bill.



FORM NO. 97.

*Voucher for clothing.*

(Paragraphs 274 and 557.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
 To \_\_\_\_\_, DR.

189—.

For clothing furnished to \_\_\_\_\_, a destitute American seaman, viz:

(Here name all articles of clothing furnished, including cost thereof) ..... \$ \_\_\_\_\_

Delivered in presence of— \_\_\_\_\_ Correct: \_\_\_\_\_,  
 \_\_\_\_\_, \_\_\_\_\_, 189—. Received of \_\_\_\_\_, *Seaman.*

\_\_\_\_\_ Consol, the sum of \_\_\_\_\_ dollars and \_\_\_\_\_ cents, in full of the above bill.

FORM NO. 98.

*Voucher for burial expenses.*

(Paragraphs 274 and 557.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
 To \_\_\_\_\_, DR.

For burial expenses of the following-named destitute American seamen, who died at \_\_\_\_\_ during the quarter ending \_\_\_\_\_ day \_\_\_\_\_, 189—:

November 22, _____	.....	\$4.00
November 26, _____	.....	4.00
		8.00

Received \_\_\_\_\_, 189—, from \_\_\_\_\_, United States Consul at \_\_\_\_\_, the sum of \_\_\_\_\_, in full of the above bill.

FORM No. 99.

[Weekly Sanitary Report is furnished by the Treasury Department. See paragraph 380.]

FORM No. 100.

*Requisition for stationery supplies for consulates.*

(Paragraph 429.)

To \_\_\_\_\_, \_\_\_\_\_, 189—.

*Assistant Secretary of State, Washington, D. C.*

SIR: I have the honor to request that the articles of stationery named below be furnished for use at this office.

I have the honor to be, sir, your obedient servant,

Number of item on schedule.	Quantities.*	Articles. (Put but one item on a line.)	Quantities recommended by Chief of Consular Bureau.

\*Quantities desired should be expressed *in figures*, and if less than an original package is required the quantity should be stated in proper terms, i. e.,  $\frac{1}{2}$  rm.,  $\frac{1}{4}$  M.,  $\frac{1}{2}$  gr.,  $\frac{1}{2}$  doz.,  $\frac{1}{4}$  lb., etc.

## FORM NO. 101.

*Record of Treasury fees (seaport consulate).*

(Paragraphs 531, 539, 568, 574, 575, 587, 604.)

*Fees received at the United States Consulate at ———, from ——— to the ———, 189—.*

Date.	No.	Name of vessel.	Name of the party paying the fee.	Nature of service rendered.	Amount of fees paid.		Place of destination and invoices.	Remarks.

On the — day of —, before me, the undersigned, personally appeared ———, United States Consul at ———, and made oath that the above and foregoing account or report of fees is a full and perfect transcript of the register which he is by law required to keep; that the same is true and correct, and contains a full and accurate statement of all fees received by him as such Consular Officer, or for his use, for his *official services*, to the best of his knowledge, during the period of time therein mentioned.

\_\_\_\_\_  
*U. S. Consul.*

Sworn to before me.

[NOTE.—This form is to be transmitted to the Auditor for the State and other Departments at the end of each quarter.]

FORM NO. 102.

*Record of Treasury fees (inland consulate).*

(Paragraphs 531, 539, 568, 587, 604.)

*Fees received at the United States Consulate at ———, from ——— to the ———, 189—.*

No.	Date.	Name of the firm or party for whom the service is rendered.	Signer of the oath, who must be one of the firm.	Nature of the service rendered.	Fees.	Place of destination of invoices.

(Same oath as in No. 101.)

[NOTE.—This form is to be used by Consular Officers residing at inland places in lieu of Form No. 101.]

FORM NO. 103.

*Summary of business at the United States Consulate at ——— ———, during the quarter ended ——— ———, 189—.*

(Paragraph 587.)

MOVEMENT OF VESSELS.

Vessels in port from last quarter.....  
 Vessels arriving during present quarter.....  
 Vessels departing.....  
 Vessels remaining in port.....  
 Tonnage arriving.....  
 Tonnage departing.....  
 Fees received, \$.....  
 Expenses, including salary, \$.....

MOVEMENT OF SEAMEN.

Seamen in port from last quarter.....  
 Seamen arriving.....

Seamen shipped .....  
 Seamen deceased .....  
 Seamen discharged .....  
 Seamen deserted .....  
 Seamen departed .....  
 Seamen in port .....

UNITED STATES \_\_\_\_\_ AT \_\_\_\_\_,  
 \_\_\_\_\_, 189—.

\_\_\_\_\_,  
 U. S. \_\_\_\_\_.

[NOTE.—This return to be sent at end of each quarter to the Auditor for the State and other Departments, with account for salary and fees.]

FORM NO. 104.

*Power of attorney to verify invoices.*

(Paragraph 673.)

I do hereby make, constitute, and appoint \_\_\_\_\_, of \_\_\_\_\_, in \_\_\_\_\_, my true and lawful attorney, for me, in my name, place, and stead, to prepare any or all invoices of merchandise intended for exportation to the United States from \_\_\_\_\_ in which I am or may be interested or concerned, and to take such oath or oaths, or to make and sign such declaration or declarations, as my duly authorized agent, which I might do if I were personally present, in the manner prescribed by the laws of the United States for the purpose of verifying invoices of merchandise in order to secure the requisite triplicate or quadruplicate certificates thereto; hereby ratifying whatever my said attorney may lawfully do, under and by virtue of his power of attorney, in my behalf; and this authority, hereby conferred and delegated to said attorney, shall remain in full force until revoked by me by written notice on the U. S. Consul at \_\_\_\_\_.

In witness whereof I have hereunto set my name and seal at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 189—.

\_\_\_\_\_. [SEAL.]

Signed, sealed, and delivered in the presence of—

\_\_\_\_\_  
 \_\_\_\_\_.

FORM NO. 105.

*Aggregate return of fees at the Consulate of the United States at \_\_\_\_\_, and Consular Agencies connected with it, from \_\_\_\_\_ to \_\_\_\_\_ inclusive.*

(Paragraphs 570, 586, 587.)

Name of Consular Officer.	Office.	Where located.	Fees for the quarter ending Sept. 30.	Fees for the quarter ending Dec. 31.	Fees for the quarter ending Mar. 31.	Fees for the quarter ending June 30.	Total.	Remarks.

\_\_\_\_\_,  
U. S. Consul.

NOTE.—This form is to be transmitted to the Department of State, with the blanks properly filled, at the close of the fiscal year (June 30).

FORM NO. 106.

*Form of a consular account for compensation while receiving instructions.*

(Paragraphs 539, 561, 587.)

GOVERNMENT OF THE UNITED STATES

To \_\_\_\_\_,

Consul of the United States at \_\_\_\_\_,

DR.

For compensation for the period, namely, \_\_\_\_\_ days, from \_\_\_\_\_ to \_\_\_\_\_, actually and necessarily occupied in receiving instructions, as per certificate hereto annexed, agreeable to Form No. 107 ----- \$

Received payment.

\_\_\_\_\_,  
U. S. Consul.

To Hon. \_\_\_\_\_,  
Secretary of the Treasury.

## FORM NO. 107.

*Certificate to accompany the account of a salaried Consul while receiving his instructions, immediately after appointment.*

(Paragraph 561.)

I hereby certify that I have been actually and necessarily occupied in receiving my instruction \_\_\_\_\_ days; that is, from the \_\_\_\_\_ day of \_\_\_\_\_ 189—, the date of my oath of office at \_\_\_\_\_, to the \_\_\_\_\_ day of \_\_\_\_\_ following.

\_\_\_\_\_,  
U. S. Consul.

## FORM NO. 108.

*Account for compensation while making the transit to post of duty.*

(Paragraphs 563, 587.)

GOVERNMENT OF THE UNITED STATES

To \_\_\_\_\_,

*Consul of the United States at \_\_\_\_\_,*

DR.

For compensation for the period, namely, \_\_\_\_\_ days, from \_\_\_\_\_ to \_\_\_\_\_, actually and necessarily occupied in making the transit between my place of residence at \_\_\_\_\_ and my post of duty \_\_\_\_\_, as per certificate hereunto annexed, agreeably to Form No. 109.....\$ \_\_\_\_\_

CR. By my draft on the Secretary of the Treasury.....\$ \_\_\_\_\_

\_\_\_\_\_,  
U. S. Consul.

NOTE.—The days in which the Consul is *unnecessarily* delayed in making the transit must be deducted.

## FORM NO. 109.

*Certificate to accompany the account of a salaried Consul for compensation while making the transit to his post of duty.*

(Paragraph 563.)

I hereby certify that I have been actually and necessarily occupied in making the transit between my place of residence and post of duty \_\_\_\_\_

days, having left \_\_\_\_\_, the place of my residence, on the \_\_\_\_\_ day of \_\_\_\_\_, 189—, and arrived at \_\_\_\_\_, my post of duty, on the \_\_\_\_\_ day of \_\_\_\_\_ following.

\_\_\_\_\_,  
U. S. Consul.

## FORM NO. 110.

*Certificate to be executed by each Consular Officer, and accompanying his first account.*

(Paragraph 565.)

CONSULATE OF THE UNITED STATES AT \_\_\_\_\_,  
\_\_\_\_\_, 189—.

I, \_\_\_\_\_ (Consul or Commercial Agent, as the case may be), do certify that I entered upon the duties of this office on the \_\_\_\_\_ day of \_\_\_\_\_, 189—, and that I have since then continued in charge of the said office uninterruptedly to the present time.

\_\_\_\_\_,  
U. S. Consul.

## FORM NO. 111.

*Certificate to accompany the account of a consul for compensation while making his transit from his post of duty to his place of residence.*

(Paragraph 564.)

I hereby certify that I have been actually and necessarily occupied in making the transit between my post of duty and the place of my residence \_\_\_\_\_ days, having left \_\_\_\_\_, my post of duty, on the \_\_\_\_\_ day of \_\_\_\_\_, 189—, and arrived at \_\_\_\_\_, my place of residence, on the \_\_\_\_\_ day of \_\_\_\_\_ following.

\_\_\_\_\_,  
Late U. S. Consul.



## APPENDIX NO. VI.

## FORM NO. 112.

*Form for stating an account for salary and fees, exclusive of seamen's wages or expenditures for them.*

(Paragraphs 539, 565, 567, 568, 587.)

The United States Government in account for salary and fees with —  
 — (Consul-General, Consul, or Commercial Agent), at —.

DR.

CR

189—	To amount of my salary as from — to — at — per annum.....	\$		189—	By amount of money received from sundry persons during said period, and applied toward my salary, as per return of fees herewith, viz: For invoice certificates..... For landing certificates..... For bills of health..... For certificate of return goods, packages, etc..... For other fees.....	\$
------	---	----	--	------	--	----

U. S. CONSULATE AT —.

\_\_\_\_\_,  
 U. S. Consul.

## FORM NO. 113.

*Certificate to accompany Form No. 112.*

(Paragraphs 565, 571, 572, 573, 587.)

CONSULATE OF THE UNITED STATES,

\_\_\_\_\_, \_\_\_\_\_, 189—.

I certify that I have not been absent from my consular district, with or without leave, during the quarter covered by the foregoing account, except as hereinbelow stated:

1. \_\_\_\_\_ days' leave of absence, with — permission to visit the United States, was granted me \_\_\_\_\_, 189—.

2. I left my post in pursuance thereof \_\_\_\_\_, 189—.

3. I arrived at my residence in the United States ———, 189—.
4. I left my residence to return to my post ———, 189—.
5. I arrived at my post and resumed duty ———, 189—.
6. Time necessarily occupied in making transit to my residence, ——— days.
7. Time necessarily occupied in making return transit to my post, ——— days.
8. I have been absent without leave ——— days.
- Remarks: ———.

—————,  
U. S. Consul.

NOTE.—If leave was without permission to visit the United States, paragraph 1 must so state, and paragraphs 3, 4, 6, and 7 must be left blank. If any part of the absence was without leave, paragraph 8, otherwise left blank, must state how long. Explanations should go under the head of remarks.

—————  
FORM NO. 114.

*Usual form of draft.*

(Paragraphs 556, 566, 579, and 582.)

\$——.

No. ——.

CONSULATE UNITED STATES OF AMERICA,

—————, ———, 189—.

——— days after sight (acceptance waived and endorsements by procurement excepted) of this sole of exchange pay to the order of ———  
———, ——— dollars.

Value received and charge the same to account for ——— ———.

To the SECRETARY OF ———,  
Washington, D. C.

NOTE.—In drawing upon the State or Treasury Department, consular officers will always insert in their drafts the words "acceptance waived."

—————  
FORM NO. 115.

*Page of consular corrections to invoices.*

(See paragraph 687.)

FORM NO. 116. <sup>1</sup>

*General quarterly account.*

(Paragraphs 539, 567, 568, 572, 587, 604.)

The United States Government in account current with \_\_\_\_\_, United States Consul at \_\_\_\_\_.

DR.		CR.
To compensation of self for the period from _____, 189, to _____, 18—, as established by law ..... \$ To contingent expenses, United States Consulates for same period, account and vouchers sent to the Department of State ..... To allowance for clerk at Consulates, do. do. do. .... To relief of destitute American seamen for same period, account and vouchers sent to Auditor for the State and other Departments ..... To amount due the Government and remitted to Messrs. Brown, Shipley & Co., United States bankers, London, on account of Consular fees .....	By official fees received during the period from _____, 189—, to _____, 18—, as per transcript of fee-book herewith ..... \$ For invoice certificates ..... For landing certificates ..... For bills of health ..... For certificates of returned goods, packages, etc. .... For other fees .....	

Transmitted with dispatch No. \_\_\_\_\_.

\_\_\_\_\_,  
U. S. Consul at \_\_\_\_\_.

FORM NO. 117.

*Digest of the invoice-book.*

(Paragraphs 586 and 587.)

Statement showing the value of declared exports from the Consular District of \_\_\_\_\_ to the United States during the quarter ending \_\_\_\_\_, 189—.

Articles.	Value in U. S. gold.

NOTE.—The articles should be arranged alphabetically.

\_\_\_\_\_,  
U. S. Consul.

<sup>1</sup> See No. 113 for form of certificate to accompany this.

APPENDIX NO. VI.

771

FORM NO. 118.

*Register of official letters received at the United States Consulate at ———.*

(Paragraph 604.)

Name of writer.	No.	Place and date of letter.	When received.	On what subject.	Number of inclosures.	Amount of postage paid on each letter.	Remarks.

FORM NO. 119.

*Register of official letters sent from the United States Consulate at ———.*

(Paragraph 604.)

Date.	No.	To whom and to what place sent.	On what subject.	Number of inclosures.	Amount of postage paid on each letter.

## APPENDIX NO. VI.

## FORM NO. 120.

*Arrival and departure of American vessels at the United States Consulate  
at \_\_\_\_\_, from \_\_\_\_\_, to \_\_\_\_\_.*

(Paragraphs 586, 587, 605.)

Number.	189—.		Classes.	Name.	Tonnage.	Where belonging.	Where from.	Cargo.				Where bound.	Date of clearance.	
	Month.	Day.						Inward.		Outward.			Month.	Day.
								Description.	Value.	Description.	Value.			

\_\_\_\_\_,  
U. S. Consul.

## FORM NO. 121.

*Statement of passports issued at the \_\_\_\_\_ of the United States at \_\_\_\_\_,  
from \_\_\_\_\_, 189—, to \_\_\_\_\_ 189—.*

(Paragraphs 163, 586, 587.)

[To accompany dispatch No. \_\_\_\_\_, of \_\_\_\_\_, 189—.]

Date.	To whom issued.	Number.	Evidence on which issued.	Fee.

## FORM NO. 122.

*Statement of passports visaed at the Consulate of the United States  
at ———, from ——— ———, 189—, to ——— ———, 189—.*

(Paragraphs 164, 586, 587.)

No.	When issued.	To whom issued.	By whom issued.	Date of visas.	Prior visas, dates thereof, and by whom made.	Fee.	Remarks.

## FORM NO. 123.

*Names of persons employed at the United States Consulate at ———.*

(Paragraphs 586, 587.)

Name.	Place.	Of what country a citizen or subject.	Rank.	Date of nomination.	Date of certificate.

NOTE.—This form should be sent to the Department always at the close of the calendar year, in order that the printed list of Consular Officers may be corrected.

## APPENDIX NO. VI.

## FORM NO. 124.

*Detailed list of seamen or mariners shipped, discharged, deserted, or deceased at the United States Consulate — at —, from — to —, and amount collected on account of each.*

(Paragraphs 557, 559, 587, 605.)

Date of discharge, shipment, desertion, or decease.	Names of seamen discharged.	Names of seamen shipped.	Names of seamen deserted.	Names of seamen deceased.	To what vessel belonging.	Extra wages collected.	Arrears of wages collected.	Remarks.

U. S. Consulate at —, —, 189—.

—, —,  
U. S. Consul.

[This form is to be sent to the Auditor for the State and other Departments at the end of each quarter, together with the form of "Statement of Relief and Account Current."]

FORM NO. 125.

*Salary account of Minister Resident and Consul-General.*

(Paragraph 565.)

The Government of the United States in account with \_\_\_\_\_, Minister Resident and Consul-General to \_\_\_\_\_.

DR.		CR.	
	\$	cts.	
To balance from last account to _____, 188—			By balance due from me, as per last account to _____, 188—
To amount of my salary from _____, 188—, to _____, 188—, inclusive, at the rate of _____ per annum			By my drafts on the Secretary of State as follows:
			One dated _____
			One dated _____
			One dated _____
			By fees applied, other than passport fees
Balance due from me to the United States			Balance due me from the United States

I certify that I have not been absent from my post during the period embraced in this account.

\_\_\_\_\_,  
*United States Minister Resident and Consul-General.*

LEGATION OF THE UNITED STATES AT \_\_\_\_\_,  
 \_\_\_\_\_, 188—.



## FORM NO. 126.

*Return of seamen who have come upon the Consulate otherwise than in the employment of vessels or by regular discharge therefrom.*

(Paragraphs 221, 557, 587.)

UNITED STATES ——— AT ——— ———,  
—————, 189—.

TO THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS,  
*Washington, D. C.*

SIR: In accordance with instructions, I beg to transmit the following list of American seamen who have this day come upon this Consulate otherwise than in the employment of vessels or by regular discharge therefrom, viz:

Name of seamen.	Date of arrival.	Vessel on which he came.	Port or place from which he came.	American vessel on which he last served.	Port at which he left said vessel and when.	Date and cause of leaving port or place from which he came.

[SEAL.]

—————,  
U. S. ——— Consul.

[NOTE.—Care should be taken to note in the last column whether the seaman was sent to your consulate by a consular officer, and *full* explanations should be given of all seamen reported hereon.]

[This form is to be forwarded to the Auditor for the State and other Departments on the date of arrival of the seaman.]

## FORM NO. 127.

*Declaration of sculptor.*

(Paragraph 709.)

I, \_\_\_\_\_, do solemnly and truly declare that I am a sculptor or statuary by profession, and that the statuary mentioned and described in the accompanying invoice was executed by me and is a professional production of mine.

Subscribed and sworn to (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_, 189—.

\_\_\_\_\_,  
U. S. Consul.

*Consul's certificate thereto.*

I, \_\_\_\_\_, Consul of the United States at \_\_\_\_\_, do hereby certify that the within declaration was subscribed and sworn to (or affirmed) before me by \_\_\_\_\_, who is known to me to be a sculptor or statuary residing at \_\_\_\_\_, and that the statements therein are true to the best of my knowledge and belief.

[L. S.]

\_\_\_\_\_,  
U. S. Consul.

## FORM NO. 128.

*Immigrant's declaration.*

(Paragraph 707.)

CONSULATE OF THE UNITED STATES,  
\_\_\_\_\_, \_\_\_\_\_, 189—.

I, \_\_\_\_\_, do solemnly swear that I am an emigrant from \_\_\_\_\_ to the United States, where I intend to settle and establish my permanent residence, and that the invoice now produced and hereunto annexed contains a true and faithful enumeration and description of the teams of animals, with their harness and tackle, and the wagons and other vehicles owned by me, and in actual use for the purpose of conveying my family and personal effects into the United States; that they are not, and none

of them are, intended for sale; and that they were all in actual use by me in \_\_\_\_\_ before I emigrated to the United States.

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 189—.

FORM NO. 129.

*Returned American goods. Declaration of foreign exporter.*

(Paragraph 713.)

\_\_\_\_\_,  
\_\_\_\_\_, 189—.

I hereby certify under oath that, to the best of my knowledge and belief, the <sup>1</sup> \_\_\_\_\_, hereinafter specified, are truly of the manufacture of the United States, <sup>2</sup> \_\_\_\_\_ or were exported from the United States filled with \_\_\_\_\_, and that it is intended to reship the same to the port of \_\_\_\_\_, in the United States, <sup>3</sup> \_\_\_\_\_ on board the \_\_\_\_\_, now lying in the port of \_\_\_\_\_. I further certify that, to the best of my knowledge and belief, the actual market value of the articles herein named, at this time and in the form in which the same are to be exported to the United States, is as follows: <sup>4</sup> \_\_\_\_\_.

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 189—.

\_\_\_\_\_  
\_\_\_\_\_,  
*U. S. Consul.*

FORM NO. 130.

*Consular certificate and shipper's affidavit for returned American shooks.*

(Paragraphs 714, 716.)

\_\_\_\_\_,  
\_\_\_\_\_, 189—.

I hereby declare under oath that, to the best of my knowledge and belief, the fruit boxes or [and] barrels mentioned in the annexed invoice

<sup>1</sup> Name the articles.

<sup>2</sup> If the packages are empty, insert statement of the facts, as "and were exported from the United States filled with the produce of that country."

<sup>3</sup> If the packages contain foreign merchandise, insert "filled with " and a description of the merchandise they contain.

<sup>4</sup> This blank is to be filled only when the merchandise contained in the packages is subject to a duty ad valorem.

are made wholly of shooks of the manufacture of the United States, and were exported from ——— per ——— on the ———, 189—, and that it is my intention to reship the same filled with ——— to the port of ———, in the United States, on board the ———, now lying in the port of ———.

I further declare that the actual market value of said fruit boxes or [and] barrels is as stated in the annexed invoice. ——— ———.

—

*Certificate of consul.*

I, ——— ———, consul of the United States at ———, do hereby certify that the facts set forth in the preceding affidavit subscribed by ———, and dated ——— ———, 189—, are in my opinion just and true, and entitled to full faith and credit.

I further certify that the manifest and clearance of said shooks, per ship ———, is on file in this consulate, and recites the fact that said shooks are of the growth and manufacture of the United States, and were duly cleared at the custom-house at ———; also a declaration, in writing, made at the time of exportation, of the intent to return said boxes or [and] barrels filled with fruit, nuts, or other merchandise to the United States, as further appears from the original custom-house certificate of export and clearance of shooks, exported per said vessel by ——— ———, dated at ———, the ——— day of ———, 189—, now on file in this ——— consulate, covering ——— boxes, complete, landed at ——— in this district.

In testimony whereof I have hereunto subscribed my name and affixed the seal of my office at ———, this ——— day of ———, 189—.

—————,  
*U. S. Consul.*

—

FORM NO. 131.

*Mode of calculating consular salaries.*

(Paragraph 567.)

Consular salaries must be calculated by the quarter, and for both days inclusive. The same mode of calculation must be observed with



EXAMPLE NO. 3.

For fraction of quarter ending 30th September, at \$3,500 per annum.

July,	31 days.	July,	31 days.
August,	31 “	August,	31 “
September, 30	“	September, 20	“
92	:	\$875.00	:

EXAMPLE NO. 4.

\* \* \* \* \* from 1st July to 20th December, 1896, inclusive,  
 five months twenty days, at the rate of \$3,500 per annum.. \$1,645.38  
 Thus stated:

Quarter ending 31st September, 1896.....	875.00
Fraction quarter ending 31st December, 1896.....	770.38

October,	31 days.	October,	31 days.
November, 30	“	November, 30	“
December, 31	“	December, 20	“
92	:	\$875.00	:

FORM No. 132.

Passport book.

(Paragraph 604.)

No.	Date.	Name.	Last residence.	Place of birth.	Profession.	Evidence upon which the passport is granted.	Place for which a visa is given.	Description.	Signature of the person to whom the passport is granted.	Remarks.
								Age, Stature, Forehead, Eyes, Nose, Mouth, Chin, Hair, Complexion,		



## FORM No. 135.

*Ship's daily journal, in which, on the deposit of the ship's register and papers, shall be recorded, for example, as follows:*

(Paragraphs 560 and 605.)

SHIP \_\_\_\_\_, OF \_\_\_\_\_, \_\_\_\_\_ TONS, \_\_\_\_\_, MASTER.

Date of entry and of service rendered.					
1896.					
Jan.	2	Arrived _____ day of _____, 189—. From _____. When built, _____, 189—. Where built, _____. Owners, _____ and others. Cargo, inward [here insert where produced or manufactured] _____ value. Cargo, outward [here insert where produced or manufactured] _____ value.	\$	-----	-----
		A B, master. C D, mate. E F, 2d mate.			
"	3	G H, boatswain, alias I J, sent to hospital. K L, carpenter, discharged; wages paid, month's extra wages		-----	-----
"	2	M N, steward, reported to have been lost overboard at sea (or to have died at sea) December 21, 1890; wages paid		-----	-----
"	8	O P, cook, reported to have deserted; amount of wages forfeited to the United States. Q R, seaman. Etc.		-----	-----
"	20	Shipped for voyage to _____. _____, boatswain. _____, carpenter. _____, steward. _____, cook.			
"	21	Register and papers delivered to master bound to _____.			

NOTE.—Should any of the seamen or mariners have died at sea, or have been lost overboard on the passage, the fact will be reported at once by the master, and a note thereof made opposite to the name of such person so deceased or lost; as, for example, see steward. Should any seaman or mariner be discharged, or desert, a similar note of the fact must be made opposite to such deserter's or discharged seaman's name; as, for example, see carpenter and cook. In case any seaman or mariner has taken the name of any other seaman or mariner who may have deserted or otherwise absented himself after the clearing of the vessel, in the United States or otherwise, such seaman or mariner's correct and proper name must be entered opposite the name of the seaman or mariner so deserting or absenting himself; as, for example, see boatswain. And in the event of the seaman or mariner's taking the name of another seaman or mariner as aforesaid entering the hospital, being discharged, or deserting, the order to the hospital, certificate of discharge or desertion, and consular returns must contain the name of said seaman or mariner so taking the place of the absconding seaman; as, for example, see boatswain.



## FORM NO. 136.

*Form of bond for a Marshal of a Consular Court.*

(Paragraph 45.)

Know all men by these presents that we, ———, ———, and ———, of the ——— of ———, in the ——— of ———, are held and firmly bound unto the United States of America in the sum of ——— thousand dollars, lawful money of the said United States, to be paid to the said United States; for which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Signed with our hands and sealed with our seals this — day of ———, 18—.

The condition of the above obligation is such, whereas the President of the United States hath, pursuant to law, appointed the said ——— to be Marshal of the United States for the Consular Court of ———, to have and to hold the same, with all the rights, privileges, and emoluments thereto lawfully appertaining, during the pleasure of the President for the time being, as by a commission to him bearing date the — day of ———, 18—, more fully appears:

Now, if the said ——— shall faithfully perform all the duties of the said office of Marshal, then this obligation to be void; otherwise to remain in full force and virtue.

Witnesses:

—————. [L. S.]

—————. [L. S.]

—————. [L. S.]

## FORM NO. 137.

*Form of return of a Marshal of a Consular Court.*

(Paragraphs 586, 587, 649.)

United States Consular Court at \_\_\_\_\_, Return of suits for the quarter ending \_\_\_\_\_,  
189—.

Number of case.	Date of first proceedings.	Name and nationality of plaintiff.	Name and nationality of defendant.	Nature of suit.	Judgment.	Amount of fines imposed.	Amount of fees charged and received.	Disposition of fines and fees.	Appeal.

\_\_\_\_\_,  
Marshal of the U. S. Consular Court,  
\_\_\_\_\_.

## FORM NO. 138.

*Declaration to be indorsed on the invoice and signed by the purchaser or the seller, or by the duly authorized agent of such purchaser or seller, where merchandise has been actually purchased.*

(Paragraphs 670, 671.)

I, \_\_\_\_\_, of \_\_\_\_\_, do solemnly and truly declare that I am the <sup>1</sup>\_\_\_\_\_ of the merchandise in the within invoice mentioned and described; that the said invoice is, in all respects, correct and true, and was made at <sup>2</sup>\_\_\_\_\_, whence said merchandise is to be exported to the United States; that said invoice contains a true and full statement of the time when, the place where, and the person from whom the same

<sup>1</sup> Purchaser or seller, as the case may be.<sup>2</sup> Name the place from which the merchandise is to be exported to the United States.

was purchased, and the actual cost thereof, price actually paid or to be paid therefor, and all charges thereon; that no discounts, bounties, or drawbacks are contained in said invoice but such as have been actually allowed thereon; that no different invoice of the merchandise mentioned in said invoice has been or will be furnished to anyone, and that the currency in which said invoice is made out is that which was actually paid or to be paid for said merchandise. And I further declare that it is intended to make entry of said merchandise at the port of \_\_\_\_\_ in the United States of America.

\_\_\_\_\_

FORM NO. 139.

*Declaration to be indorsed on the invoice and signed by the manufacturer or owner, or duly authorized agent of such manufacturer or owner, where merchandise has been obtained otherwise than by purchase.*

(Paragraphs 664, 670, 671.)

I, \_\_\_\_\_, of \_\_\_\_\_, do solemnly and truly declare that I am the<sup>1</sup> \_\_\_\_\_ of the merchandise in the within invoice mentioned and described; that the said invoice is in all respects correct and true, and was made at<sup>2</sup> \_\_\_\_\_, whence said merchandise is to be exported to the United States, that said invoice contains the actual market value or wholesale price of the said merchandise at the date hereof in the principal markets of<sup>3</sup> \_\_\_\_\_; that said actual market value is the price at which the merchandise described in the invoice is freely offered for sale to all purchasers in said markets, and that it is the price which I would have received, and was willing to receive, for such merchandise sold in the ordinary course of trade in the usual wholesale quantities, and that it includes all charges thereon and the actual quantity thereof, and that no different invoice of the merchandise mentioned in the said invoice has been or will be furnished to anyone. And I further declare that it is intended to make entry of said merchandise at the port of \_\_\_\_\_, in the United States of America.

\_\_\_\_\_

<sup>1</sup> Manufacturer or owner.

<sup>2</sup> Name the place from which the merchandise is to be exported to the United States.

<sup>3</sup> Name the country from whence exported.

## FORM NO. 140.

*Certificate to be indorsed on each of the triplicate (or quadruplicate) invoices of merchandise.*

(Paragraph 688.)

I, \_\_\_\_\_, C\_\_\_\_\_ of the United States at \_\_\_\_\_, do hereby certify that at \_\_\_\_\_, on this \_\_\_ day of \_\_\_\_\_, A. D. 189—. the within invoice, No. —, in which are mentioned and described certain [here insert a general description of the merchandise] \_\_\_\_\_, amounting, with the charges thereon, to the gross sum of \_\_\_\_\_, was produced to me by \_\_\_\_\_ in person, who thereupon declared, in writing, that entry of said merchandise was to be made at the port of \_\_\_\_\_, in the United States of America.

I do further certify that I am satisfied that the person making the declaration hereto annexed is the person he represents himself to be, and that the actual market value or wholesale price of the merchandise described in the said invoice in the principal markets of the country at the time of exportation is correct and true, excepting as noted by me upon said invoice, or respecting which I shall make special communication to the proper authorities.

Witness my hand and seal of office at \_\_\_\_\_ the day and year aforesaid.

[L. S.]

\_\_\_\_\_,  
C\_\_\_\_\_ of the United States.

## FORM NO. 141.

*Receipt of master of vessel for invoices to be delivered to the collector of customs at the port of entry.*

(Paragraphs 693, 694.)

\_\_\_\_\_, 189—.

I acknowledge the receipt of a package of invoices made up and sealed with the consular seal of the Consul at this port, directed to the collector at \_\_\_\_\_, which I promise to deliver on the entry of the [ship or other vessel] under my command, at the said port of \_\_\_\_\_.

(Signed)

\_\_\_\_\_,  
Master of \_\_\_\_\_.

## APPENDIX NO. VI.

FORM NO. 142.

*Transmission of invoices to collectors.*

(Paragraph 693.)

UNITED STATES CONSULATE,

\_\_\_\_\_, 189—.

To \_\_\_\_\_,

*Collector of Customs at \_\_\_\_\_.*

SIR: In pursuance of instructions, I transmit herewith \_\_\_\_\_ triplicate (or quadruplicate) invoices, properly indorsed, of goods, as per descriptive list, hereto annexed.

I am, sir, your obedient servant,

\_\_\_\_\_,

*U. S. Consul.*

FORM NO. 143.

*Descriptive list of triplicate or quadruplicate invoices.*

(Paragraph 694.)

No. of invoice.	Name of the shippers.	Consignee.	Amount of invoices.	By what ship.

## FORM NO. 144.

*Certificate of the value of currency.*

(Paragraph 692.)

CONSULATE OF THE UNITED STATES AT \_\_\_\_\_,  
\_\_\_\_\_, 189—.

I, \_\_\_\_\_, Consul of the United States of America, do hereby certify that the true value of the currency of the \_\_\_\_\_ of \_\_\_\_\_, in which currency the annexed invoice of merchandise is made out, is \_\_\_\_\_ per cent as compared with the corresponding standard coin currency, and that the value in such standard coin currency of the total amount of the currency actually paid for the merchandise is \_\_\_\_\_.

\_\_\_\_\_  
*U. S. Consul.*

## FORM NO. 145.

(Omitted.)

## FORM NO. 146.

*Inward foreign manifest.*

(Paragraph 700.)

\_\_\_\_\_ Railroad.

Report and manifest of merchandise laden on board car No. \_\_\_\_\_ of the \_\_\_\_\_ Railroad, which merchandise was taken on board at \_\_\_\_\_, in the British Province of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 189—, and destined for \_\_\_\_\_.

Quantity of merchandise.	Description of merchandise.	Marks and numbers.	Consignor.	Consignee.	Dutiable value.	Remarks.

## [Indorsements.]

United States Consulate at \_\_\_\_\_. Quintuplicate consular manifest No. \_\_\_\_\_. Car No. \_\_\_\_\_.

I, \_\_\_\_\_, the undersigned owner (agent or consignee) of the merchandise laden on board, or conductor of car No. \_\_\_\_\_, now about to depart, and destined for \_\_\_\_\_, do solemnly swear (or affirm) that this manifest contains, to the best of my knowledge and belief, a full and complete list and description of the contents of said car, and that the quantities and value of said contents are in this manifest faithfully and correctly stated.

\_\_\_\_\_,  
*Agent (or Conductor).*

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 189—. And I hereby certify that this car was sealed and the manifest verified under my personal supervision.

\_\_\_\_\_,  
*U. S. Consul.*

FORM NO. 147.

*Ordinary sample card.*

(Paragraph 685.)

CONSULATE OF THE UNITED STATES AT \_\_\_\_\_,  
\_\_\_\_\_ —, 189—.

Consular No. of the invoice.	
Marks and No. of the packages.	
Name of the shipper.	
Name of the consignee.	
Commercial designation of merchandise.	
Width of merchandise.	
Quantity.	
Invoiced price.	
Discount.	
Date of the invoice.	
Name of manufacturer.	

— do certify that the sample hereto annexed is a fair and true sample of piece No. —, contained in the package No. — above mentioned, and that the foregoing statement is in all respects true.

The certificate at the bottom is to be signed by the shipper or his agent.



## APPENDIX NO. VI

FORM NO. 148.

*Sample card for woolen fabrics.*

(Paragraph 685.)

Invoice No. ——. Date, ———, 189—.

Shipper.		
Receiver.		
Kind of merchandise.		
Mark and No. of the package.		
Width.		
Invoice price.	M.	Per meter
Discount.		
Remarks.		
Weight per square meter in grammes.		
Number of twills to one Paris inch of Henrlettas or Cashmere.		
Number yarn used.	Weft	Warp
If silk is used give number.		

I do hereby declare that the annexed sample is a fair and true sample of piece No. ——— contained in package No. ——— above mentioned, and that the foregoing statement is in all respects true.

————— of firm of ————.

FORM NO. 149.

Table for reducing United States gold coin to English and French currency.

(Paragraph 528.)

EQUIVALENTS IN ENGLISH MONEY.												EQUIVALENTS IN FRENCH CURRENCY.											
£=\$4.8665.												Fr.=\$0.188.											
25 cents.				50 cents.				75 cents.				25 cents.				50 cents.				75 cents.			
£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	Fr.	Cen-times.	Fr.	Cen-times.	Fr.	Cen-times.	Fr.	Cen-times.	Fr.	Cen-times.		
0	—	—	—	—	—	—	—	—	—	—	—	0	—	—	—	—	—	—	—	—	—		
1	4	2	—	2	1	—	3	1	—	2	1	0	5	—	1	30	2	59	3	89	07		
2	8	3	—	4	2	—	7	3	—	4	3	1	—	6	6	48	7	77	9	25	25		
3	12	4	—	6	3	—	11	4	—	6	4	2	10	12	12	66	12	96	14	43	43		
4	16	6	—	8	5	—	15	5	—	8	5	3	15	18	18	84	18	13	19	13	61		
5	20	7	—	10	6	—	19	6	—	10	6	4	20	22	24	102	22	32	24	24	79		
6	24	8	—	12	8	—	23	8	—	12	8	5	25	26	28	120	26	40	29	34	97		
7	28	10	—	14	9	—	27	9	—	14	9	6	30	32	32	138	32	48	34	40	16		
8	32	11	—	16	11	—	31	11	—	16	11	7	35	36	36	156	36	56	38	40	34		
9	36	12	—	18	12	—	35	12	—	18	12	8	40	41	44	174	44	64	40	45	52		
10	40	13	—	20	13	—	39	13	—	20	13	9	45	46	47	192	47	72	42	50	58		
	44	14	—	22	14	—	43	14	—	22	14	10	50	51	53	210	53	84	44	55	70		

NOTE.—In order to reduce gold dollars to either of the above currencies, find the dollars in the left-hand column and the cents (if any) in the top column, and where the two columns intersect the value will be shown. Thus, \$5.75 equals £1 3s. 8d., or 29 francs and 79 centimes.

## FORM NO. 150.

*Certificate of consignee of landing of merchandise at foreign port.*

(Paragraph 72A.)

I, \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, merchant, do hereby certify that the goods or merchandise hereinafter described have been landed in this [city, town, or port] between the \_\_\_\_\_ and \_\_\_\_\_ days of \_\_\_\_\_, from on board the \_\_\_\_\_ of \_\_\_\_\_, whereof \_\_\_\_\_ is at present master, viz: [Here describe the merchandise, giving the marks and numbers, kind of merchandise, number of pounds (gross, tare, and net), gallons (wine and proof), or packages upon which internal-revenue tax is imposed], which, according to the bills of lading for the same, were shipped on board the \_\_\_\_\_ at the port of \_\_\_\_\_, in the United States of America, on or about the \_\_\_\_\_ day of \_\_\_\_\_, 189—, and consigned to [me or to us], by \_\_\_\_\_, of \_\_\_\_\_, aforesaid merchant [or by the master of said \_\_\_\_\_].

Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 189—.

## FORM NO. 151.

*Consular verification of consignee's certificate.*

(Paragraph 72A.)

I, \_\_\_\_\_, Consul [or agent] of the United States of America, at the city of \_\_\_\_\_, do declare that the facts set forth in the foregoing declaration, subscribed by \_\_\_\_\_, of said port, and dated the \_\_\_\_\_ day of \_\_\_\_\_, 189—, are to my knowledge true and correct and deserving of full faith and credit; and I further certify that the signature thereto is in the handwriting of said \_\_\_\_\_.

In testimony whereof I have hereunto subscribed my name and affixed the seal of my office, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 189—.

[SEAL.]

\_\_\_\_\_  
Consul.

## FORM NO. 152.

*Verification of the delivery of merchandise to be executed by American or foreign merchants, as the case may require.*

(Paragraph 724.)

We, \_\_\_\_\_, residing in the city of \_\_\_\_\_, do declare that the facts stated in the preceding certificate, signed by \_\_\_\_\_, of the said city, merchant, on the \_\_\_\_\_ day of \_\_\_\_\_, are [to our knowledge, just and true; or, are, in our opinion, just and true, and worthy of full faith and credit]. We also declare that there is [no Consul or other public agent for the United States of America, or American merchants, as the case may require] now residing at this place.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, at the city of \_\_\_\_\_.

[Signatures.]

## FORM NO. 153.

*Oath of master and mate of exporting vessel.*

(Paragraphs 724 and 725.)

PORT OF \_\_\_\_\_, \_\_\_\_\_, 189—.

We, \_\_\_\_\_, master, and \_\_\_\_\_, mate, of the \_\_\_\_\_, lately arrived from the port of \_\_\_\_\_, in the United States of America, do solemnly swear [or affirm] that the goods or merchandise enumerated and described in the foregoing certificate, dated the \_\_\_\_\_ day of \_\_\_\_\_, 189—, and signed by \_\_\_\_\_, of the city of \_\_\_\_\_, merchant, were actually delivered at the said port on board the \_\_\_\_\_ within the time specified in the said certificate, and as to the tobacco and snuff described therein that the weight stated was ascertained by actual weighing at the time of delivery.

\_\_\_\_\_, *Master.*

Sworn [or affirmed] at the port of \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_, 189—.

\_\_\_\_\_. [SEAL.]

<sup>1</sup> NOTE.—In all cases the oath of the master AND of the mate must be obtained. In the case of goods subject to internal-revenue tax the affidavit of the purser or other discharging officer may be substituted for that of mate.

In case of failure to execute the foregoing at the port of delivery of the goods, the same may, upon the return of the vessel at the port of shipment, be subscribed to before the collector of the port.

## FORM NO. 154.

*Certificate of foreign revenue officer.*

(Paragraph 725.)

PORT OF \_\_\_\_\_, \_\_\_\_\_, 189—.

I, \_\_\_\_\_, do hereby certify that the goods [or merchandise] described in the foregoing declaration, and below, imported into this country [or province] from \_\_\_\_\_, were landed at this port, duly entered at the custom-house at this port on the \_\_\_\_\_ day of \_\_\_\_\_, 189—,<sup>1</sup> and their value ascertained to be \_\_\_\_\_, and that the duties imposed by the law in force in this country [or province] upon said goods have been paid, or secured to be paid:

Marks.	Numbers.	Description of goods.	Date when entered.

In witness whereof I have hereunto set my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 189—.

[SEAL.]

\_\_\_\_\_  
Collector or Chief Revenue Officer.

## FORM NO. 155.

*Form of declaration of American artist.*

(Paragraph 711.)

I, \_\_\_\_\_, a citizen of the United States and an artist residing at \_\_\_\_\_, do solemnly and truly declare that the work [or works] of art mentioned and described in the within invoice was [or were] executed and produced by me.

Subscribed and sworn to [or affirmed] before me this \_\_\_\_\_ day of \_\_\_\_\_, 189—.

\_\_\_\_\_  
U. S. Consul.

<sup>1</sup> NOTE.—The value stated should be that of the goods in the foreign country to which they were exported. Such value need not be specified if the consignee chooses to pay the maximum fee for the Consular authentication of the landing certificate.

*Certificate to the declaration of an American artist.*

I, \_\_\_\_\_, Consul of the United States at \_\_\_\_\_, do hereby certify that the within declaration was subscribed and sworn [or affirmed] to before me by \_\_\_\_\_, who is known to me to be a citizen and an artist residing at \_\_\_\_\_, and that the statements therein are true to the best of my knowledge and belief.

[L. S.]

\_\_\_\_\_,  
U. S. Consul.

## FORM No. 156.

*Certificate to accompany natural mineral waters.*

(Paragraph 708.)

I, \_\_\_\_\_, of \_\_\_\_\_, do hereby declare under oath that I am the owner [or manager] of \_\_\_\_\_ [designate and locate the spring or springs], that the mineral water specified in the annexed invoice is the natural product of said spring [or springs], and that the same has been in no way artificially prepared.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 189—.

[L. S.]

\_\_\_\_\_,  
U. S. Consul.

## FORM No. 157.

*Manifest of cargo of fishing vessel.*

(Paragraph 717.)

Manifest of fish [or oil or other product of the fishery] taken by the [naming the fishing vessel] of the port of \_\_\_\_\_, in the United States, duly documented under the laws of the United States, landed at the port of \_\_\_\_\_, and destined for transshipment by the [naming vessel to which transferred and the route, if destined to cross either isthmus route], to the port of \_\_\_\_\_, in the United States; said fish [or oil or

other product] having been taken by the crew or company of said vessel, while at sea, since the — day of —, 189—.

Marks.	Packages.	Port of entry in United States.	Consignees.	Value.

I, ———, master of the said [fishing vessel], do hereby certify that said ———, above specified, was taken by the crew or company of said vessel and landed at the port of ———, to be shipped to the port of ———, in the United States, by the [name of importing vessel] of ———.

I further certify that the above is a true and faithful manifest of said ———, according to the best of my knowledge and belief.

—————,  
Master.

Sworn [or affirmed] before me this — day of ———, 189—.

—————,  
U. S. Consul.

FORM NO. 158.

*Certificate of United States Consul to manifest of fishing vessel.*

(Paragraph 717.)

CONSULATE OF THE UNITED STATES,  
—————, ———, 189—.

I, ———, United States Consul [or commercial agent] for the port of ———, do hereby certify that the above certificate was subscribed and sworn [or affirmed] to before me by ———, master of the ———, of ———, and that I fully believe the statements therein to be true in every particular.

I also certify that I have examined the papers of said vessel and find her to be an American vessel, owned by ———, commanded by ———, master, as shown by her register [or enrollment or license], numbered ———, issued at the port of ———, 189—.

[SEAL.]

—————,  
U. S. Consul.

FORM NO. 159.

*Quarterly transcript of the record of notarial and unofficial services, at the Consulate at ———, for the quarter ending the — day of ———, 189—.*

(Paragraphs 488, 586, 587)

No.	Date.	To whom the service was rendered.	Nature of the service.	Amount of fee or compensation.	Remarks.

I solemnly swear that the foregoing record of notarial and unofficial services is a full and correct transcript of the record of this Consulate, and that the same contains a true and accurate statement of all the fees received at this Consulate for such services during the period named.

\_\_\_\_\_,  
U. S. Consul.

Subscribed and sworn to before me this — day of ———, 189—.

\_\_\_\_\_  
\_\_\_\_\_

FORM NO. 160.

*Form of average bond.*

(Paragraph 188.)

*Average bond of steamer (or schooner or ship, as the case may be.)*

Whereas the steamer ———, whereof ——— is master, having on board a cargo of assorted merchandise, left the port of ———, in the State of ———, on or about the — day of ———, one thousand eight hundred and ninety —, bound for the port of ———, in the — of ———, and intermediate ports.

And whereas, while in prosecution of said voyage, the said steamer ——— did meet with a disaster, by which means certain losses and



expenses have been incurred, and other expenses may hereafter be incurred in consequence thereof, which, according to the usage on the western inland waters, constitutes a general average to be apportioned on said steamboat, her earnings as freight, and her cargo.

Now we, the subscribers, being owners, shippers, or consignees, or agents or attorneys of owners, shippers, or consignees of said steamboat ———, cargo, or freight, do hereby, for ourselves, our executors and administrators, severally and respectively, but not jointly, nor one for the other, covenant and agree to and with each other, and also separately to and with the master or other legal representatives of said steamboat and cargo, that the loss or damage aforesaid as shall be made to appear to be due from us, the subscribers, or from those whom we represent, shall be paid by us respectively on demand, according to our shares in the said steamboat, cargo, or earnings as freight, and that such losses and expenses be stated and apportioned, in accordance with the established usages and laws upon the waters of ———, by ———, at the ——— of ———, ——— of ———, or some other competent adjuster of marine losses.

For the true performance of which we do severally bind ourselves, our principals, heirs, executors, administrators, and assigns, to each other, and separately to the said steamer ——— ———, master, or representative of the said steamboat and cargo, as the general representative of all parties at interest.

In witness whereof we have hereunto set our hands and seals on this ——— day of ———, in the year of our Lord one thousand eight hundred and ninety ———.

NOTE.—Parties signing the bond will produce the invoice of goods and insert amount of the same on the bond.

Name of consignee. <sup>1</sup>	Number of articles. <sup>1</sup>	Invoice value. <sup>2</sup>	By whom the average bond is signed.

<sup>1</sup> Clerk of the boat or vessel will fill this out before leaving.

<sup>2</sup> To be filled out by signer of the bond.

Table for the reduction of sterling money of Great Britain to United States gold coin, under act approved March 3, 1873, fixing the value of the pound sterling at \$4.8665.

(Paragraphs 528, 585.)

	0	1	2	3	4	5	6	7	8	9
1	4.8665	53.5315	58.398	63.2645	68.131	72.9975	77.864	82.7305	87.597	92.4635
2	9.733	102.1965	107.063	111.9295	116.796	121.6625	126.529	131.3955	136.262	141.1285
3	14.5995	150.8615	155.728	160.5945	165.461	170.3275	175.194	180.0605	184.927	189.7935
4	19.466	199.5235	204.393	209.2595	214.126	218.9925	223.859	228.7255	233.592	238.4585
5	24.3325	248.1915	253.058	257.9245	262.791	267.6575	272.524	277.3905	282.257	287.1235
6	29.199	296.8565	301.723	306.5895	311.456	316.3225	321.189	326.0555	330.922	335.7885
7	34.0655	345.5215	350.388	355.2545	360.121	364.9875	369.854	374.7205	379.587	384.4535
8	38.932	394.1865	399.053	403.9195	408.786	413.6525	418.519	423.3855	428.252	433.1185
9	43.7985	442.8515	447.718	452.5845	457.451	462.3175	467.184	472.0505	476.917	481.7835

One shilling equals  $24\frac{1}{4}$  cents. One penny equals  $2\frac{1}{4}$  cents.

	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
0	....	.24	.48	.73	.97	1.21	1.46	1.70	1.94	2.19	2.43	2.67	2.92	3.16	3.40	3.65	3.89	4.13	4.38	4.62
1	.02	.26	.50	.75	.99	1.23	1.48	1.72	1.98	2.21	2.45	2.69	2.94	3.18	3.42	3.67	3.91	4.15	4.40	4.64
2	.04	.28	.52	.77	1.01	1.25	1.50	1.74	1.98	2.23	2.47	2.71	2.96	3.20	3.44	3.69	3.93	4.17	4.42	4.66
3	.06	.30	.54	.79	1.03	1.27	1.52	1.76	2.00	2.25	2.49	2.73	2.98	3.22	3.46	3.71	3.95	4.19	4.44	4.68
4	.08	.32	.56	.81	1.05	1.29	1.54	1.78	2.02	2.27	2.51	2.75	3.00	3.24	3.48	3.73	3.97	4.21	4.46	4.70
5	.10	.34	.58	.83	1.07	1.31	1.56	1.80	2.04	2.29	2.53	2.77	3.02	3.26	3.50	3.75	3.99	4.23	4.48	4.72
6	.12	.36	.60	.85	1.09	1.33	1.58	1.82	2.06	2.31	2.55	2.79	3.04	3.28	3.52	3.77	4.01	4.25	4.50	4.74
7	.14	.38	.62	.87	1.11	1.35	1.60	1.84	2.08	2.33	2.57	2.81	3.06	3.30	3.54	3.79	4.03	4.27	4.52	4.76
8	.16	.40	.64	.89	1.13	1.37	1.62	1.86	2.10	2.35	2.59	2.83	3.08	3.32	3.56	3.81	4.05	4.29	4.54	4.78
9	.18	.42	.66	.91	1.15	1.39	1.64	1.88	2.12	2.37	2.61	2.85	3.10	3.34	3.58	3.83	4.07	4.31	4.56	4.80
10	.20	.44	.68	.93	1.17	1.41	1.66	1.90	2.14	2.39	2.63	2.87	3.12	3.36	3.60	3.85	4.09	4.33	4.58	4.82
11	.22	.46	.70	.95	1.19	1.43	1.68	1.92	2.16	2.41	2.65	2.89	3.14	3.38	3.62	3.87	4.11	4.35	4.60	4.84

NOTE.—To find the value of any number of pounds represented by one figure, find the figure in the left-hand margin of the table, on page 801 and its value will appear in the column adjoining opposite that figure. To find the value when expressed by two figures, look for the tens in the left-hand column and for the units in the top margin, and the value will be shown in the place where the two columns meet; thus the value of £57 is \$277.3906. To find the value of £576, look for 57 as before, and move the decimal point one place to the right, and it shows \$2,773.906; then add £6 as already shown, \$23.190, and it gives the sum of \$2,803.104.

The above table shows the value of every combination of shillings and pence less than £1, the upper margin representing the shillings and the left-hand margin the pence. Thus, to find the value of 17 shillings and 6 pence, follow the column 17 downward until it meets the left-hand column opposite 6, and it shows \$4.25. By this method any number of pounds, shillings, and pence can be reduced to United States gold quickly and accurately.



Table for the reduction of United States gold coin to sterling money of Great Britain, under act approved March 3, 1873, fixing the value of the pound sterling at \$4.8665.

(Paragraphs 528, 585.)

No. 1.													No. 4.																									
C.	s.	d.	0			1			2			3			4			5			6			7			8			9			\$	£	s.	d.		
1	---	---	---	---	5	---	---	5½	---	---	6	---	---	6½	---	---	7	---	---	7½	---	---	8	---	---	8½	---	---	9	---	---	9½	---	---	100	20	10	11½
2	---	---	---	---	10	---	---	10½	---	---	11	---	---	11½	---	---	12	---	---	12½	---	---	13	---	---	13½	---	---	14	---	---	14½	---	---	200	41	1	11½
3	---	---	---	---	15	---	---	15½	---	---	16	---	---	16½	---	---	17	---	---	17½	---	---	18	---	---	18½	---	---	19	---	---	19½	---	---	300	61	12	11
4	---	---	---	---	20	---	---	20½	---	---	21	---	---	21½	---	---	22	---	---	22½	---	---	23	---	---	23½	---	---	24	---	---	24½	---	---	400	82	3	10½
5	---	---	---	---	25	---	---	25½	---	---	26	---	---	26½	---	---	27	---	---	27½	---	---	28	---	---	28½	---	---	29	---	---	29½	---	---	500	102	14	10½
6	---	---	---	---	30	---	---	30½	---	---	31	---	---	31½	---	---	32	---	---	32½	---	---	33	---	---	33½	---	---	34	---	---	34½	---	---	600	123	5	10½
7	---	---	---	---	35	---	---	35½	---	---	36	---	---	36½	---	---	37	---	---	37½	---	---	38	---	---	38½	---	---	39	---	---	39½	---	---	700	143	16	10
8	---	---	---	---	40	---	---	40½	---	---	41	---	---	41½	---	---	42	---	---	42½	---	---	43	---	---	43½	---	---	44	---	---	44½	---	---	800	164	7	9½
9	---	---	---	---	45	---	---	45½	---	---	46	---	---	46½	---	---	47	---	---	47½	---	---	48	---	---	48½	---	---	49	---	---	49½	---	---	900	184	18	9
10	---	---	---	---	50	---	---	50½	---	---	51	---	---	51½	---	---	52	---	---	52½	---	---	53	---	---	53½	---	---	54	---	---	54½	---	---	10,000	2,054	17	3½
11	---	---	---	---	55	---	---	55½	---	---	56	---	---	56½	---	---	57	---	---	57½	---	---	58	---	---	58½	---	---	59	---	---	59½	---	---	20,000	4,109	14	7
12	---	---	---	---	60	---	---	60½	---	---	61	---	---	61½	---	---	62	---	---	62½	---	---	63	---	---	63½	---	---	64	---	---	64½	---	---	30,000	5,187	3	2½
13	---	---	---	---	65	---	---	65½	---	---	66	---	---	66½	---	---	67	---	---	67½	---	---	68	---	---	68½	---	---	69	---	---	69½	---	---	40,000	6,164	11	10½
14	---	---	---	---	70	---	---	70½	---	---	71	---	---	71½	---	---	72	---	---	72½	---	---	73	---	---	73½	---	---	74	---	---	74½	---	---	50,000	8,219	9	2
15	---	---	---	---	75	---	---	75½	---	---	76	---	---	76½	---	---	77	---	---	77½	---	---	78	---	---	78½	---	---	79	---	---	79½	---	---	60,000	10,274	6	6
16	---	---	---	---	80	---	---	80½	---	---	81	---	---	81½	---	---	82	---	---	82½	---	---	83	---	---	83½	---	---	84	---	---	84½	---	---	70,000	12,329	3	9½
17	---	---	---	---	85	---	---	85½	---	---	86	---	---	86½	---	---	87	---	---	87½	---	---	88	---	---	88½	---	---	89	---	---	89½	---	---	80,000	14,384	1	1
18	---	---	---	---	90	---	---	90½	---	---	91	---	---	91½	---	---	92	---	---	92½	---	---	93	---	---	93½	---	---	94	---	---	94½	---	---	90,000	15,411	9	8½
19	---	---	---	---	95	---	---	95½	---	---	96	---	---	96½	---	---	97	---	---	97½	---	---	98	---	---	98½	---	---	99	---	---	99½	---	---	100,000	20,548	13	0

No. 2.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										
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1	---	---	---	---	1	---	---	1½	---	---	2	---	---	2½	---	---	3	---	---	3½	---	---	4	---	---	4½	---	---	5	---	---	5½	---	---	6	---	---	6½	---	---	7	---	---	7½	---	---	8	---	---	8½	---	---	9	---	---	9½	---	---	10	---	---	10½	---	---	11	---	---	11½	---	---	12	---	---	12½	---	---	13	---	---	13½	---	---	14	---	---	14½	---	---	15	---	---	15½	---	---	16	---	---	16½	---	---	17	---	---	17½	---	---	18	---	---	18½	---	---	19	---	---	19½	---	---	20	---	---	20½	---	---	21	---	---	21½	---	---	22	---	---	22½	---	---	23	---	---	23½	---	---	24	---	---	24½	---	---	25	---	---	25½	---	---	26	---	---	26½	---	---	27	---	---	27½	---	---	28	---	---	28½	---	---	29	---	---	29½	---	---	30	---	---	30½	---	---	31	---	---	31½	---	---	32	---	---	32½	---	---	33	---	---	33½	---	---	34	---	---	34½	---	---	35	---	---	35½	---	---	36	---	---	36½	---	---	37	---	---	37½	---	---	38	---	---	38½	---	---	39	---	---	39½	---	---	40	---	---	40½	---	---	41	---	---	41½	---	---	42	---	---	42½	---	---	43	---	---	43½	---	---	44	---	---	44½	---	---	45	---	---	45½	---	---	46	---	---	46½	---	---	47	---	---	47½	---	---	48	---	---	48½	---	---	49	---	---	49½	---	---	50	---	---	50½	---	---	51	---	---	51½	---	---	52	---	---	52½	---	---	53	---	---	53½	---	---	54	---	---	54½	---	---	55	---	---	55½	---	---	56	---	---	56½	---	---	57	---	---	57½	---	---	58	---	---	58½	---	---	59	---	---	59½	---	---	60	---	---	60½	---	---	61	---	---	61½	---	---	62	---	---	62½	---	---	63	---	---	63½	---	---	64	---	---	64½	---	---	65	---	---	65½	---	---	66	---	---	66½	---	---	67	---	---	67½	---	---	68	---	---	68½	---	---	69	---	---	69½	---	---	70	---	---	70½	---	---	71	---	---	71½	---	---	72	---	---	72½	---	---	73	---	---	73½	---	---	74	---	---	74½	---	---	75	---	---	75½	---	---	76	---	---	76½	---	---	77	---	---	77½	---	---	78	---	---	78½	---	---	79	---	---	79½	---	---	80	---	---	80½	---	---	81	---	---	81½	---	---	82	---	---	82½	---	---	83	---	---	83½	---	---	84	---	---	84½	---	---	85	---	---	85½	---	---	86	---	---	86½	---	---	87	---	---	87½	---	---	88	---	---	88½	---	---	89	---	---	89½	---	---	90	---	---	90½	---	---	91	---	---	91½	---	---	92	---	---	92½	---	---	93	---	---	93½	---	---	94	---	---	94½	---	---	95	---	---	95½	---	---	96	---	---	96½	---	---	97	---	---	97½	---	---	98	---	---	98½	---	---	99	---	---	99½	---	---	100	---	---	100½	---	---	101	---	---	101½	---	---	102	---	---	102½	---	---	103	---	---	103½	---	---	104	---	---	104½	---	---	105	---	---	105½	---	---	106	---	---	106½	---	---	107	---	---	107½	---	---	108	---	---	108½	---	---	109	---	---	109½	---	---	110	---	---	110½	---	---	111	---	---	111½	---	---	112	---	---	112½	---	---	113	---	---	113½	---	---	114	---	---	114½	---	---	115	---	---	115½	---	---	116	---	---	116½	---	---	117	---	---	117½	---	---	118	---	---	118½	---	---	119	---	---	119½	---	---	120	---	---	120½	---	---	121	---	---	121½	---	---	122	---	---	122½	---	---	123	---	---	123½	---	---	124	---	---	124½	---	---	125	---	---	125½	---	---	126	---	---	126½	---	---	127	---	---	127½	---	---	128	---	---	128½	---	---	129	---	---	129½	---	---	130	---	---	130½	---	---	131	---	---	131½	---	---	132	---	---	132½	---	---	133	---	---	133½	---	---	134	---	---	134½	---	---	135	---	---	135½	---	---	136	---	---	136½	---	---	137	---	---	137½	---	---	138	---	---	138½	---	---	139	---	---	139½	---	---	140	---	---	140½	---	---	141	---	---	141½	---	---	142	---	---	142½	---	---	143	---	---	143½	---	---	144	---	---	144½	---	---	145	---	---	145½	---	---	146	---	---	146½	---	---	147	---	---	147½	---	---	148	---	---	148½	---	---	149	---	---	149½	---	---	150	---	---	150½	---	---	151	---	---	151½	---	---	152	---	---	152½	---	---	153	---	---	153½	---	---	154	---	---	154½	---	---	155	---	---	155½	---	---	156	---	---	156½	---	---	157	---	---	157½	---	---	158	---	---	158½	---	---	159	---	---	159½	---	---	160	---	---	160½	---	---	161	---	---	161½	---	---	162	---	---	162½	---	---	163	---	---	163½	---	---	164	---	---	164½	---	---	165	---	---	165½	---	---	166	---	---	166½	---	---	167	---	---	167½	---	---	168	---	---	168½	---	---	169	---	---	169½	---	---	170	---	---	170½	---	---	171	---	---	171½	---	---	172	---	---	172½	---	---	173	---	---	173½	---	---	174	---	---	174½	---	---	175	---	---	175½	---	---	176	---	---	176½	---	---	177	---	---	177½	---	---	178	---	---	178½	---	---	179	---	---	179½	---	---	180	---	---	180½	---	---	181	---	---	181½	---	---	182	---	---	182½	---	---	183	---	---	183½	---	---	184	---	---	184½	---	---	185	---	---	185½	---	---	186	---	---	186½	---	---	187	---	---	187½	---	---	188	---	---	188½	---	---	189	---	---	189½	---	---	190	---	---	190½	---	---	191	---	---	191½	---	---	192	---	---	192½	---	---	193	---	---	193½	---	---	194	---	---	194½	---	---	195	---	---	195½	---	---	196	---	---	196½	---	---	197	---	---	197½	---	---	198	---	---	198½	---	---	199	---	---	199½	---	---	200	---	---	200½	---	---	201	---	---	201½	---	---



## FORM NO. 163.

*Certificate given to the master of a vessel when transporting destitute seamen to an intermediate port.*

(Paragraph 235.)

CONSULATE OF THE UNITED STATES OF AMERICA ———, ——— ———, 189—.

To ——— ———, Esq.,

*United States Consul at* ———:

SIR: It is hereby certified that I have, on this — day of —, 189—, agreed with ——— ———, master of the [name and nationality of vessel] for the transportation from this port to — of the following destitute American seamen [give names and name of vessel in which each seaman last served]; and that the said [name of master] will be entitled to the sum of \$——, being the passage money at the rate of \$—— for each seaman so transported, when he shall have satisfied you of their arrival at your consulate. The payment of this sum by you is authorized and required by the provisions of paragraph — of the Consular Regulations of 1888.

I am, sir, etc.,

[SEAL.]

—————,  
*U. S. Consul.*

## FORM NO. 164.

*Receipt of seaman for wages.*

(Paragraph 224.)

Received of ——— ———, United States Consul at ———, the sum of ——— dollars, being the amount [or residue as the case may be] of the arrears of wages and extra wages due to me since my discharge from the [name of vessel], of ———, of which [name of master] is master.

(Date.)

## APPENDIX NO. VI.

FORM NO. 165.

*Account for clerk hire.*

(Paragraphs 538, 539, 554, 555, 577, and 587.)

UNITED STATES CONSULATE,

\_\_\_\_\_, 189—.

*The Government of the United States in account with \_\_\_\_\_, U. S. Consul.*

189—.	DR.		
Quarter ending	For clerk hire from _____ to _____ at the rate of \$— per annum, as per voucher herewith.....	\$	
		\$	
		\$	
189—.	CR.		
	By my draft on the Secretary of State dated _____, 189—	\$	
	By fees applied.....	\$	

\_\_\_\_\_,  
*U. S. Consul.*

NOTE.—This account is to be sent to the Department of State at the close of each quarter by all Consular Officers (feed or salaried) who are allowed clerk hire. It is also adapted for accounts for salaries of marshals, interpreters, and prison expenses.

FORM NO. 166.

*Voucher for clerk hire.*

(Paragraph 554.)

UNITED STATES CONSULATE,

\_\_\_\_\_, 189—.

Received from \_\_\_\_\_, Consul of the United States at \_\_\_\_\_, the sum of \$— in full payment for services actually rendered as clerk from \_\_\_\_\_ to \_\_\_\_\_, at the rate of \$— per annum.



The services having been devoted exclusively to the business of the Consulate.

\_\_\_\_\_,  
Clerk.

I certify that the statements in the above voucher are true.

\_\_\_\_\_,  
U. S. Consul.

FORM NO. 167.

(Paragraphs 183, 539, 574, 575, and 587.)

UNITED STATES CONSULATE,  
\_\_\_\_\_, 189—.

*Statement of official services necessarily rendered, in accordance with the provisions of section 12 of the act of Congress approved June 26, 1884, for the vessel \_\_\_\_\_, \_\_\_\_\_, master, belonging to the port of \_\_\_\_\_.*

No. of fee.	Nature of service.	Amount of fee as prescribed by the tariff.

\_\_\_\_\_,  
U. S. Consul.

I certify that the above statement is correct and the services rendered were necessary.

\_\_\_\_\_,  
Master of the Vessel.

N. B.—Consular officers are instructed to issue the above form in duplicate, and to send the duplicate to the Auditor for the State and other Departments with Form No. 168. The original is to be delivered to the master of the vessel, who must deliver it to the collector of the district in which the vessel first arrives on her return to the United States, and if such master fails to furnish such statement he is liable to a fine of not exceeding fifty dollars.

## FORM NO. 168.

(Paragraphs 574, 575, 587, 605.)

*Detailed report of official services to American vessels and seamen necessarily rendered in accordance with the provisions of section 12 of the act of Congress approved June 26, 1884, by ————, United States ———— at ————, for the quarter ended ————, 189—.*

Date.	Name of vessel.	Name of master.	To what port belonging.	Nature of service rendered.	Amount of fee as prescribed in the tariff of fees.	Remarks.

On this ——— day of ———, before me, the undersigned, personally appeared ———, United States ——— at ———, and made oath in due form of law that the above and foregoing report or statement of official services to American vessels and seamen is a true and correct statement of the official services performed by him for the American vessels above named for and during the period of time therein mentioned; that said services were actually and necessarily rendered by him at the instance and request of the masters of the respective vessels herein named; that no services are herein reported except such as were so actually and necessarily rendered in accordance with the provisions of section 12 of the act of Congress approved June 26, 1884, and that the amounts of the respective fees herein stated are in accordance with the tariff of consular fees prescribed by the order of the President of the United States.<sup>1</sup>

—————,  
U. S. ———.

Sworn to before me,  
—————.

[To be transmitted quarterly to the Auditor for the State and other Departments by United States Consular officers compensated by fees.]

<sup>1</sup> Leave six blank lines between text of oath and the signature thereto.

APPENDIX NO. VI.

807

FORM NO. 169.

(Paragraph 574, 575, and 587.)

The United States Government, in account with \_\_\_\_\_, United States \_\_\_\_\_ at \_\_\_\_\_, from \_\_\_\_\_, 188—, to \_\_\_\_\_, 188—.

DR.

CR.

189-.	To balance from previous account To amount of my compensation for the above-named period, received from official fees collected To amount due for official services to American vessels and seamen during the above-named period, as per detailed report herewith, under act approved June 26, 1884 To balance due the United States					189-.	By balance from previous account By official fees collected during the above-named period, as per transcript herewith  By balance due me
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UNITED STATES \_\_\_\_\_ at \_\_\_\_\_, 189—.

\_\_\_\_\_  
U. S. Consul.

FORM NO. 170.

Account of payments to masters and seamen of foreign vessels for rescuing American citizens, crews, etc.

(Paragraph 328.)

The Government of the United States in account with \_\_\_\_\_, consul of the United States at \_\_\_\_\_.

DR.

CR.

To amount paid seamen for their services in rescuing the crew of the American _____, as per vouchers herewith						By my draft on the Secretary of State, dated _____, 189—		
\$						\$		

CONSULATE OF THE UNITED STATES, at \_\_\_\_\_,

\_\_\_\_\_, 189—.

\_\_\_\_\_  
U. S. Consul.

[Voucher to accompany Form No. 170.]

Received from \_\_\_\_\_, consul of the United States at \_\_\_\_\_, the sum of \_\_\_\_\_, in full payment for services in connection with the rescue of the crew of the American \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 189—.

\_\_\_\_\_,  
Seaman of the \_\_\_\_\_.

Witness:  
\_\_\_\_\_,  
\_\_\_\_\_.

## FORM NO. 171.

*Statement of manufacturer to be annexed to invoice or to statement in the form of invoice of merchandise consigned for sale by him or on his account to a person in the United States.*

(Paragraph 674.)

I, \_\_\_\_\_, of \_\_\_\_\_, do solemnly and truly declare that I am the manufacturer of the merchandise mentioned and described in the<sup>1</sup> \_\_\_\_\_, and that the actual cost of production of such merchandise, including cost of materials and of fabrication, all general expenses of each and every outlay of whatever nature incident to such production, together with the expense of preparing and putting up such merchandise ready for shipment, is as follows, viz, \_\_\_\_\_.

\_\_\_\_\_,  
Manufacturer.

I, \_\_\_\_\_, United States Consul at \_\_\_\_\_, do hereby certify that I believe the person who signed the foregoing statement is the person he represents himself to be, and that he this day signed the same in my presence.

Witness my hand and seal of office at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 189—.

[L. s.]

\_\_\_\_\_,  
Consul of the United States.

<sup>1</sup> Certified invoice (or statement in the form of invoice) No. \_\_\_\_\_, dated \_\_\_\_\_.

## FORM NO. 172.

*Statement of consignor, other than the manufacturer, to be annexed to invoice or to statement, in the form of invoice, of merchandise consigned for sale by him on his account to a person in the United States.*

(Paragraph 674.)

I, \_\_\_\_\_, of \_\_\_\_\_, do solemnly and truly declare that I am the consignor of the merchandise mentioned and described in the<sup>1</sup> \_\_\_\_\_, and that said merchandise was actually purchased<sup>2</sup> \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 189—, at \_\_\_\_\_ from \_\_\_\_\_, and that the merchandise is consigned to \_\_\_\_\_ at \_\_\_\_\_ for sale on my account, and that I actually paid therefor the prices hereinafter detailed and set forth, viz, \_\_\_\_\_.

\_\_\_\_\_,  
*Consignor.*

I, \_\_\_\_\_, United States Consul at \_\_\_\_\_, do hereby certify that I believe the person who signed the foregoing statement is the person he represents himself to be, and that he this day signed the same in my presence.

Witness my hand and seal of office at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 189—.

[L. S.]

\_\_\_\_\_,  
*Consul of the United States.*

FORMS NOS. 173, 174, and 175.

[Certificates of disinfection of hides are prescribed by the Secretary of the Treasury (see Paragraphs 381-384), and as they are subject to alteration by him from time to time, they are not included herein.]

<sup>1</sup> Certified invoice (or statement in the form of invoice), No. —, dated —.

<sup>2</sup> By me or on my account.

## FORM NO. 176.

*Application for passport.*

(Paragraph 151.)

NATIVE.

Fee for passport ..... \$1.00  
 Fee for filling out application in duplicate ..... .50  
 Fee for administering oath in duplicate ..... .50

No. —.] Issued — —, 18—

I, — — — —, a native and loyal citizen of the United States, hereby apply to the legation of the United States at — — for a passport for myself, accompanied by my wife — —, and minor children as follows: — — — —, born at — —, on the — — day of — —, 18—, and — — — —.

I solemnly swear that I was born at — —, in the State of — —, on or about the — — day of — —, 18—; that my father is a — — citizen of the United States; that I am domiciled in the United States, my permanent residence being at — —, in the State of — —, where I follow the occupation of — —; that I left the United States on the — — day of — —, 18—, and am now temporarily sojourning at — —; that I am the bearer of passport No. —, issued by — — — — on the — — day of — —, 18—; that I intend to return to the United States within — — with the purpose of residing and performing the duties of citizenship therein; and that I desire the passport for the purpose of — —.

*Oath of allegiance.*

Further, I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservation or purpose of evasion. So help me God.

LEGATION OF THE UNITED STATES AT — —. — — — —.

Sworn to before me, this — — day of — —, 18—.

*Description of applicant.*

Age: — years.		Month: —.
Stature: — feet, — inches, Eng.		Chin: —.
Forehead: —.		Hair: —.
Eyes: —.		Complexion: —.
Nose: —.		Face: —.

*Identification.*

I hereby certify that I know the above-named \_\_\_\_\_, 18—, personally, and know h— to be a native-born citizen of the United States, and that the facts stated in h— affidavit are true to the best of my knowledge and belief.

[Address of witness ] \_\_\_\_\_  
\_\_\_\_\_

NOTE.—This form is to be filled out in duplicate, one copy being retained on the files of the legation and the other forwarded with the quarterly returns to the Department of State. It may be so filled out by the applicant, in which case no fee therefor is chargeable.

## FORM NO. 177.

*Application for passport.*

(Paragraph 151.)

## NATURALIZED.

Fee for passport .....	\$1.00
Fee for filling out application in duplicate .....	.50
Fee for administering oath in duplicate .....	.50

No. —.]

Issued, — —, 18—.

I, \_\_\_\_\_; a naturalized and loyal citizen of the United States, hereby apply to the legation of the United States at \_\_\_\_\_ for a passport for myself, accompanied by my wife, \_\_\_\_\_, and minor children, as follows: \_\_\_\_\_, born at \_\_\_\_\_, on the — day of \_\_\_\_\_, 18—; and \_\_\_\_\_.

I solemnly swear that I was born at \_\_\_\_\_ on or about the — day of \_\_\_\_\_, 18—; that I emigrated to the United States, sailing on board the \_\_\_\_\_, from \_\_\_\_\_, on or about the — day of \_\_\_\_\_, 18—; that I resided — years, uninterruptedly, in the United States, from — to —, at \_\_\_\_\_; that I was naturalized as a citizen of the United States before the \_\_\_\_\_ court of \_\_\_\_\_ at \_\_\_\_\_, on the — day of \_\_\_\_\_, 18—, as shown by the accompanying certificate of naturalization; that I am the bearer of passport No. —, issued by \_\_\_\_\_ on the — day of \_\_\_\_\_, 18—, which is returned herewith; that I am the identical person referred to in said certificate and passport; that I am domiciled in the United States, my permanent residence therein being at \_\_\_\_\_, in

the State of \_\_\_\_\_, where I follow the occupation of \_\_\_\_\_; that I last left the United States on the \_\_\_\_\_ day of \_\_\_\_\_, 18—, on board the \_\_\_\_\_ arriving in \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 18—; that I have resided in \_\_\_\_\_ since the \_\_\_\_\_ day of \_\_\_\_\_, 18—; that I am now temporarily residing at \_\_\_\_\_; and that I intend to return to the United States within \_\_\_\_\_ with a purpose of residing and performing the duties of citizenship therein.

I desire the passport for the purpose of \_\_\_\_\_.

*Oath of allegiance.*

Further, I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservation or purpose of evasion: So help me God.

LEGATION OF THE UNITED STATES AT \_\_\_\_\_.

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 18—.

*Description of applicant.*

Age: _____ years.		Mouth: _____.
Stature: _____ feet _____ inches, Eng.		Chin: _____.
Forehead: _____.		Hair: _____.
Eyes: _____.		Complexion: _____.
Nose: _____.		Face: _____.

*Identification.*

I hereby certify that I know the above-named \_\_\_\_\_, \_\_\_\_\_, 18—, personally, and know h— to be the identical person referred to in the within-described certificate of naturalization, and that the facts stated in h— affidavit are true to the best of my knowledge and belief.

[Address of witness.] \_\_\_\_\_

NOTE.—This form is to be filled out in duplicate, one copy being retained on the files of the legation and the other forwarded with the quarterly returns to the Department of State. It may be so filled out by the applicant, in which case no fee therefor is chargeable.



## FORM NO. 178.

*Application for passport.*

(Paragraph 151.)

FORM FOR PERSON CLAIMING CITIZENSHIP THROUGH NATURALIZATION OF  
HUSBAND OR PARENT.

No. —.]

[Issued —.

UNITED STATES OF AMERICA,

*State of —, County of —, ss:*

I, —, a naturalized and loyal citizen of the United States, hereby apply to the Department of State, at Washington, for a passport for myself, accompanied by my wife, —, and minor children, as follows: —, born at —, on the — day of —, 18—; and —.

I solemnly swear that I was born at — on or about the — day of —, 18—; that my — emigrated to the United States, sailing on board the —, from —, on or about the — day of —, 18—; that he resided — years, uninterruptedly, in the United States, from — to —, at —; that he was naturalized as a citizen of the United States before the — court of —, at —, on the — day of —, 18—, as shown by the accompanying certificate of naturalization; that I am the — of the person described in said certificate; that I have resided in the United States, uninterruptedly, for — years, from — to —, at —; that I am domiciled in the United States, my permanent residence being at —, in the State of —, where I follow the occupation of —; that I am about to go abroad temporarily; and that I intend to return to the United States — with the purpose of residing and performing the duties of citizenship therein.

*Oath of allegiance.*

Further, I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservation or purpose of evasion: So help me God.

Sworn to before me this — day of —, 18—.

\_\_\_\_\_  
\_\_\_\_\_  
*Notary Public.*

*Description of applicant.*

Age: — years.	Mouth: —.
Stature: — feet — inches, Eng.	Chin: —.
Forehead: —.	Hair: —.
Eyes: —.	Complexion: —.
Nose: —.	Face: —.

*Identification.*

I hereby certify that I know the above-named ——— personally, and know h— to be the — of the person referred to in the within-described certificate of naturalization, and that the facts stated in h— affidavit are true to the best of my knowledge and belief.

[Address of witness.] \_\_\_\_\_

Applicant desires passport sent to following address: \_\_\_\_\_

FORM NO. 179.

*Certificate of deposit of passport and registry of a citizen of the United States.*

(Paragraph 165.)

CONSULATE OF THE UNITED STATES OF AMERICA, AT \_\_\_\_\_,  
\_\_\_\_\_ , 189—.

Age ———
Height ———
Forehead ———
Eyes ———
Nose ———
Mouth ———
Chin ———
Hair ———
Complexion ———
Face ———

The undersigned Consul of the United States of America, certifies that ———, a citizen of the United States of America, is registered in this consulate, and is the bearer of passport No. —, signed by ———.

No. —.

[Signature of the bearer.]

## FORM NO. 180.

(Paragraph 166.)

*Certificate to be attached to a passport application in China when a notary public or other officer authorized to administer oaths is not accessible to the applicant.*

I, the undersigned, do hereby certify and affirm that the matters stated in my application for a passport of date —— are true; and I do hereby consent that this statement shall, in all respects, be held and treated as if I had personally executed such application before a consul of the United States.

Witness: \_\_\_\_\_

\_\_\_\_\_,  
\_\_\_\_\_.

## FORM NO. 181.

(Paragraph 167.)

*Travel certificate to be issued to the possessor of a passport in China.*

No. —.]

I, ——, Consul of the United States of America at ——, having received an application from ——, a citizen of the United States, for a passport to travel in the province of ——, have, under the provisions of the Tien Tsin treaty, issued this pass, and have to request that the Chinese authorities, civil and military, on examining it, will allow Mr. —— safely and freely to pass, and in case of need, to give him all lawful aid and protection.

Given under my hand and the impression of the seal of the consulate of the United States at —— this —— day of ——, 189—.

Good for one year.

[SEAL.]

\_\_\_\_\_,

U. S. Consul.

## FORM NO. 182.

(Paragraph 167.)

*Travel certificate to be issued to an applicant for a passport in China.*

No. —.]

I, ———, Consul of the United States of America at ———, having received an application from ———, a citizen of the United States, for a passport to travel from ———, by way of, ———, to ——— [and return], have, under the provisions of the Tien Tsin treaty, issued this pass, and have to request that the Chinese authorities, civil and military, on examining it, will allow Mr. ——— safely and freely to pass, and, in case of need, to give him all lawful aid and protection.

Given under my hand and the impression of the seal of the consulate of the United States at ———, this ——— day of ———, 189—.

Good only for one journey, and not longer than one year.

[SEAL.]

—————,  
U. S. Consul.

## FORM NO. 183.

*Affidavit of consignee, declaring the delivery of tobacco or snuff at a foreign port.*

(Paragraph 724.)

PORT OF ———,  
—————, 188—.

I, ———, of ———, do hereby declare that the goods or merchandise hereinafter described have been landed at this port, between the ——— and ——— days of ———, from on board the ———, of ———, whereof ——— is at present master, viz:

Marks and numbers.	Description of goods.	Pounds.	Rate of tax.	Amount of tax.

Which goods or merchandise, according to the bills of lading for the same, were shipped on board the ———, at the port of ———, in the

United States of America, on or about the — day of —, 188—, and consigned to — by —, of — aforesaid; and I further certify that the weight of the goods as stated above was correctly ascertained by actual weighing after landing.

\_\_\_\_\_,  
Consignee of Goods.

Sworn and subscribed at the port of —, before me this — day of —.

\_\_\_\_\_,  
U. S. Consul.

## FORM NO. 184.

Bond No. —.]

*Certificate of consignee of landing outside of free zone.*

(Paragraph 728.)

I, —, of the city of —, Mexico, do hereby certify that the goods or merchandise hereinafter described have been landed in the city of —, Mexico, on the — day of —, 189—, from on board the care of the — railroad, whereof — is at present conductor, and have been duly entered at the Mexican custom-house in the said city of —, and consigned, forwarded, and delivered to —, at —, Mexico, beyond the limits of the free zone.

Marks.	Numbers.	Description of goods.	Value.

which, according to the bills of lading for the same, were shipped on board the bonded line at the port of —, in the United States of America, on the — day of —, 189—, and consigned to me at —, Mexico, by —, of —.

\_\_\_\_\_,  
Consignee.

## FORM NO. 185.

*Consular verification of consignee's certificate.*

(Paragraph 728.)

I, \_\_\_\_\_, Consul (or agent) of the United States of America at the city of \_\_\_\_\_, do declare that the facts set forth in the preceding certificate, subscribed by \_\_\_\_\_, of the said city, merchant, and dated the \_\_\_\_\_ day of \_\_\_\_\_, are, to my knowledge, just and true (or are, in my opinion, just and true, and deserve full faith and credit).

In testimony whereof I have hereunto subscribed my name and affixed the seal of my office, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18—.

[SEAL.]

\_\_\_\_\_,  
U. S. Consul.

## FORM NO. 186.

*Certificate of record and pedigree to be used for imported animals.*

(Paragraph 705.)

[In filling up this blank give registry number of each recorded animal, or, in case there is no number, the volume and page of register where the animal is recorded. All blanks must be filled, except in the case of sheep, which animals will be admitted on the certificate of registry, as provided in the regulations.]

Pedigree of _____.	No. _____	{	Sire, _____	{	Sire, _____
			No. _____		No. _____
			Dam, _____		Dam, _____
			No. _____		No. _____
			Dam, _____		Sire, _____
			No. _____		No. _____
			No. _____		Dam, _____
					No. _____

I hereby certify that the above is a correct pedigree of \_\_\_\_\_ No. \_\_\_\_\_, and that this animal is pure bred and has been duly registered in the book of record established by this association for the \_\_\_\_\_ breed of \_\_\_\_\_.

\_\_\_\_\_,  
*Secretary of the \_\_\_\_\_.*

Dated at \_\_\_\_\_, \_\_\_\_\_, 189—.

*Form of Consular authentication of the certificate of record and pedigree.*

CONSULATE OF THE UNITED STATES,

\_\_\_\_\_, \_\_\_\_\_, 189—.

I certify that the foregoing is the signature of \_\_\_\_\_, and that he is the \_\_\_\_\_ of the \_\_\_\_\_, and as such is the custodian of the book of record and pedigree established by that association for the \_\_\_\_\_ breed of \_\_\_\_\_.

[L. S.]

\_\_\_\_\_,  
U. S. Consul.

FORM No. 187.

*Affidavit by the owner, agent, or importer.*

(Paragraph 705.)

\_\_\_\_\_, being duly sworn, says, that he is the (owner, agent, or importer, as the fact may be) of the \_\_\_\_\_, described as follows in invoice No. \_\_\_\_\_, certified by the Consul of the United States at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 189—: [Insert description precisely as given in the invoice]; that the said \_\_\_\_\_ is the animal referred to in the accompanying certificate of record and pedigree, and is about to be imported to the United States specially for breeding purposes in accordance with the terms of the said invoice.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 189—.

[L. S.]

\_\_\_\_\_,  
U. S. Consul.





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